REDEVELOPMENT AGENCY OF THE CITY OF

SAN DIEGO, CALIFORNIA

# THE AMENDED
# RULES AND REGULATIONS
# FOR IMPLEMENTATION OF THE
# CALIFORNIA RELOCATION ASSISTANCE LAW

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# RULES AND REGULATIONS
# FOR IMPLEMENTATION OF THE
# CALIFORNIA RELOCATION ASSISTANCE LAW

## I. [§ 101] GENERAL

### A. [§ 101] Purpose

The purpose of these Rules and Regulations is to implement the California Relocation Assistance Law Government Code, Section 7260, et seq.). These Rules and Regulations have also been formulated to the extent applicable with reference to the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development pursuant to Health & Safety Code Section 50460 (the “Guidelines”).

The Rules and Regulations are designed to carry out the following policies of the Relocation Assistance Law with respect to activities of the Agency:

1. To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes or businesses as a result of the actions of the Agency, in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the public as a whole; and

2. In the acquisition of real property by the Agency, to ensure consistent and fair treatment for owners of real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in courts, and to promote confidence in public land acquisition.

### B. [§ 102] Authority

These Rules and Regulations have been adopted by resolution of the Agency pursuant to Section 7267.8(a) of the Government Code, and are in conformity with the Relocation Assistance Law.

C. [§ 103] Effective Date; Applicability

The effective date of these Rules and Regulations shall be the date of their adoption by the Agency. These Rules and Regulations shall be applicable to all displacement and acquisition occurring after their adoption by the Agency. Any provisions of the Relocation Assistance Law which became effective prior to the adoption or amendment of these Rules and Regulations shall govern any conflicting provision hereof.

To the extent that these Rules and Regulations are from time to time amended, the amendments shall be effective prospectively from the date that they are adopted, or from an otherwise applicable effective date. Any such amendments shall not be construed retroactively to apply to any action undertaken by the Agency prior to their effective date where the purpose of the action was to fulfill obligations imposed by the Relocation Assistance Law and the action is in compliance with the requirements of the Relocation Assistance Law and the existing Rules and Regulations. The term "action" as referred to above shall include, but is not limited to: the provision of information, notice, other assistance, comparable replacement housing, payments and other benefits; the preparation of relocation (including last resort) housing plans, including the survey and analysis of needs and resources; the processing of grievances; and the various steps taken in connection with the acquisition of property for public use.

The amendments to these Rules and Regulations corresponding to the changes made in Sections 7260, 7262.5 and 7264 of the Government Code, by Chapter 597 of the California Statutes of 1997, shall apply prospectively only from January 1, 1998, and shall apply only to the extent that they do not adversely affect existing rights of persons or households entitled to benefits under these Rules and Regulations on or before December 31, 1997.

D. [§ 104] Extent of Relocation Payments

The Agency shall provide relocation assistance and shall make all of the relocation payments required by law, including the making of such payments financed by the federal government. In addition, the Agency may make any additional relocation payments which in the Agency's

opinion may be reasonably necessary under the circumstances of the particular case to carry out the purposes of a redevelopment plan for any redevelopment project.

E. [§ 105] Exceptions from Relocation Requirements

1. [§ 106] Acquisitions Not Induced by Agency

The requirement to provide relocation assistance and benefits shall not apply to a purchase of property which is offered for sale by the owner, property being sold at execution or foreclosure sale, or property being sold pursuant to court order or under court supervision if the property in any of the foregoing situations is either occupied by the owner or is unoccupied, and if the offer for sale is not induced by Agency disposition, planned condemnation, or redevelopment of surrounding lands, and if the sales price is fair market value or less, as determined by a qualified appraiser, and if no federal funds are involved in the acquisition, construction, or project development. "Offered for sale" means either advertised for sale in a publication of general circulation published at least once a week or listed with a licensed real estate broker and published in a multiple listing, pursuant to Section 1087 of the Civil Code.

At the time of making an offer to acquire property under this Section, the Agency shall notify the property owner in writing, of the following:

a. The Agency's plans for developing the property to be acquired or the surrounding property; and

b. Any relocation assistance and benefits provided pursuant to state law which the property owner may be foregoing.

2. [§ 107] Rent Restrictions at Nonprofit Facilities

Nonprofit facilities subsidized pursuant to any federal or state program for the benefit of low-income tenants that restrict rent increases based on operating cost increases, and that also receive state funds for renovation and rehabilitation involving the temporary relocation of those tenants, shall be exempt from any

restrictions on rents imposed pursuant to the Relocation Assistance Law and these Rules and Regulations.

F. [§ 108] Priority of Federal Law

With respect to a federally funded project, the Agency shall make relocation assistance payments and provide relocation advisory assistance as required under federal law. The Agency may make any relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these Rules and Regulations, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

G. [§ 109] Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Rules and Regulations which can be given effect without the invalid provision or application, and to this end the provisions of the Rules and Regulations are severable.

II. [§ 200] DEFINITIONS

A. [§ 201] Acquisition

"Acquisition" means obtaining ownership or possession of real property by purchase, eminent domain, or any other lawful means.

B. [§ 202] Agency

"Agency" means the Redevelopment Agency of the City of San Diego, a public body, corporate and politic, organized and existing under Chapter 2 of the Community Redevelopment Law of the State of California, and any agency, staff, consultants, assignees, delegates and City departments who may be assigned the duties and responsibilities for implementing the Relocation Assistance Law pursuant to these Rules and Regulations, or any entity acting on behalf of the Agency when acquiring real property, or any interest therein.

C. [§ 203] Appraisal

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

D. [§ 204] Average Annual Net Earnings

"Average annual net earnings" means one-half of any net earnings of a business before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property being acquired, or during such other period as the Agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business to the owner, his or her spouse, or his or her dependents during the two-year or other period.

The term "owner" as used herein includes the sole proprietor in a sole proprietorship, the principal parties in a partnership, and the principal stockholders of a corporation, as determined by the Agency. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children will be treated as one unit.

E. [§ 205] Average Monthly Income

"Average monthly income" means gross income divided by 12.

F. [§ 206] Business

"Business" means any lawful activity, except a farm operation, which lawful activity is not in unlawful occupancy, conducted for any of the following:

1. Primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;

2. Primarily for the sale of services to the public;

3. Primarily by a nonprofit organization; or

4. Solely for the purpose of Section 700 of these Rules and Regulations, for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

G. [§ 207] City

"City" means the City of San Diego.

H. [§ 208] Comparable Replacement Dwelling

"Comparable replacement dwelling" means any dwelling that is all of the following:

1. Decent, safe, and sanitary.

2. Adequate in size to accommodate the occupants.

3. In the case of a displaced person who is a renter, within the financial means of the displaced person. A comparable replacement dwelling is within the financial means of a displaced person if the monthly rental cost of the dwelling, including estimated average monthly utility costs, minus any replacement housing payment available to the person, does not exceed 30 percent of the person's average monthly income, unless the displaced person meets one or more of the following conditions, in which case the payment of the monthly rental cost of comparable replacement dwelling, including estimated average monthly utility costs, minus any replacement housing payment available to the person, shall not exceed 25 percent of the person's average monthly income:

a. Prior to January 1, 1998, the displaced person received a notice to vacate from the Agency, or from a person having an agreement with the Agency;

b. The displaced person resides on property that was acquired by the Agency, or by a person having an agreement with the Agency, prior to January 1, 1998;

c. Prior to January 1, 1998, the Agency, or a person having an agreement with the Agency, initiated negotiations to acquire the property on which the displaced person resides;

d. Prior to January 1, 1998, the Agency, or a person having an agreement with the Agency entered into an agreement to acquire the property on which the displaced person resides;

e. Prior to January 1, 1998, the Agency, or a person having an agreement with the Agency, gave written notice of intent to acquire the property on which the displaced person resides;

f. The displaced person is covered by, or resides in an area or project covered by, a final Supplemental Relocation Plan that was adopted prior to January 1, 1998;

g. The displaced person is covered by, or resides in an area or project covered by, a proposed Supplemental Relocation Plan that was required to have been submitted prior to January 1, 1998, to the Department or to a Project Area Committee, or for which notice was required to have been provided to occupants of the property prior to January 1, 1998;

h. The displaced person is covered by, or resides in an area or project covered by, a proposed Supplemental Relocation Plan that was submitted prior to January 1, 1998, to the Department or to a Project Area Committee, or for which notice was provided to the public or to occupants of the property prior to January 1, 1998, and the person is eventually displaced by the project covered in the proposed Supplemental Relocation Plan;

i. The displaced person resides on property for which a contract for acquisition, rehabilitation, demolition, construction, or other displacing activity was entered into by the Agency, or by a person having an agreement with the Agency, prior to January 1998;

j. The displaced person resides on property where an owner participation agreement, or other agreement between the Agency and a private party that will result in the acquisition, rehabilitation, demolition, or development of the property or other displacement, was entered into prior to January 1, 1998, and the displaced person resides in the property at the time of the agreement, provides information to the Agency, or person having an agreement with the Agency showing that he or she did reside in the property at the time of the agreement and is eventually displaced by the project covered in the agreement.

4. Comparable with respect to the number of rooms, habitable space, and type and quality of construction. Comparability under this paragraph shall not require strict adherence to a detailed, feature-by-feature comparison. While a comparable replacement

dwelling need not possess every feature of the displacement dwelling, the principal features shall be present.

5. In an area not subjected to unreasonable adverse environmental conditions.

6. In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

If a dwelling which satisfies these standards is not available, the Agency may consider a dwelling which exceeds them.

"Replacement dwelling" as herein defined does not refer to "replacement dwelling unit" as that term is used and defined in Section 33411.2(c) of the California Community Redevelopment Law.

I. [§ 209] Condominium

"Condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which persons in a housing development hold full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

J. [§ 210] Decent, Safe and Sanitary Dwelling

"Decent, safe and sanitary dwelling" means a dwelling which is in sound, clean and weather-tight condition, in good repair and adequately maintained, in conformance with the applicable state and local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations and which meets the following minimum standards:

1. Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, an adequate and safe wiring system for lighting

and other electrical services and heating as required by climatic conditions and local codes.

2. Each non-housekeeping unit shall be in conformance with state and local standards for boardinghouses, hotels and other dwellings for congregate living.

When the term "decent, safe and sanitary" is interpreted under local, state or federal law, as establishing a higher standard, the elements of that higher standard are incorporated herein. A unit which is occupied by no more than the maximum number of people allowed under the State Building Code shall be considered to be in compliance with the occupancy provisions of this Section.

K. [§ 211] Department

"Department" means the California Department of Housing and Community Development.

L. [§ 212] Displaced Business

"Displaced business" means any business which qualifies as a displaced person under Section 214 hereof.

M. [§ 213] Displaced Farm Operation

"Displaced farm operation" means any farm operation which qualifies as a displaced person under Section 214 hereof.

N. [§ 214] Displaced Person

"Displaced person" means both of the following:

1. Any person who moves from real property, or who moves his or her personal property from real property, either:

   a. As a direct result of a written notice of intent to acquire, or the acquisition of, the real property, in whole or in part, for a program or project undertaken by the Agency or by

any person having an agreement with, or acting on behalf of, the Agency; or

b. As a direct result of the rehabilitation, demolition, or other displacing activity as the Agency may prescribe under a program or project undertaken by the Agency, of real property on which the person is in lawful occupancy as a residential tenant, or by conducting a business or farm operation, and if the displacement is determined by the Agency to be permanent. For purposes of this subparagraph, residential tenant includes an occupant of a residential hotel unit, as defined in subdivision (b) of Section 50669 of the Health and Safety Code, and an occupant of employee housing, as defined in Section 17008 of the Health and Safety Code.

2. Solely for the purposes of Sections 300 and 700, any person who moves from real property, or moves his or her personal property from real property, either:

a. As a direct result of a written notice of intent to acquire, or the acquisition of other real property, in whole or in part, on which the person conducts a business or farm operation for a program or project undertaken by the Agency; or

b. As a direct result of the rehabilitation, demolition, or other displacing activity as the Agency may prescribe under a program or project undertaken by the Agency, of other real property on which the person conducts a business or farm operation, in any case in which the Agency determines that the displacement is permanent.

This Section shall be construed so that persons displaced as a result of Agency action receive benefits in

cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for, or in connection with, a public use where the Agency is otherwise empowered to acquire the property to carry out the public use.

Except for persons or families of low and moderate income who are occupants of housing that was made available to them on a permanent basis by the Agency and who are required to move from the housing, a "displaced person" shall not include any of the following:

(1) Any person who has been determined to be in unlawful occupancy of the displacement property;

(2) Any person who is a post-acquisition tenant of the real property;

(3) Any person who has occupied the real property for the purpose of obtaining assistance under the Relocation Assistance Law or these Rules and Regulations;

(4) In any case in which the Agency acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project;

(5) Any person occupying private property (not otherwise entitled to relocation benefits as a result of an acquisition, rehabilitation or demolition program) who is required to move as a result of the Agency's routine enforcement of building, housing or health codes unless the code enforcement is undertaken for the purpose of causing displacement in

coordination with an identified rehabilitation, construction, or demolition program or project;

(6) A person who is not required to move permanently or temporarily as a result of the project as long as they are notified they are not required to move and the project does not impose an unreasonable change in the character or use of the property;

(7) An owner-occupant who moves as a result of an acquisition meeting the requirements of Section 106.

A utility which relocates its poles, posts, wires, conduits, cables, pipes, lines and necessary fixtures and equipment located in, along, or under any public street, road or highway as the result of activities in the implementation of a redevelopment plan is not a displaced person.

O. [§ 215] Displaced Resident

"Displaced resident" means any individual or family occupant of a dwelling who qualifies as a displaced person under Section 214 hereof.

P. [§ 216] Dwelling

"Dwelling" means the place of permanent or customary and usual abode of a person, including a single-family dwelling, a single- family unit in a two-family dwelling, multi-family or multipurpose dwelling, a unit of a condominium or cooperative housing project, a nonhousekeeping unit, a mobilehome, a recreational vehicle as described in Health and Safety Code Section 18010, or any other residential unit which either is considered to be real property under state law or cannot be moved without substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling.

A second home shall be considered a dwelling only for the purpose of establishing eligibility for payment for

moving and related expenses under Section 602 of these Rules and Regulations.

Q. [§ 217] Economic Rent

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area.

R. [§ 218] Elderly Household

"Elderly household" means a household in which the head of household or spouse is 62 years of age or older.

S. [§ 219] Family

"Family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit.

T. [§ 220] Farm Operation

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing these products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

U. [§ 221] Federal Project

"Federal project" means any direct federal project or any project receiving federal financial assistance.

V. [§ 222] Gross Income

"Gross income" means the total annual income of an individual, or where a family is displaced total annual income of the parents or adult heads of household, less the following:

1. A deduction of $500 for each dependent in excess of three.

2. A deduction of 10 percent of total income for an elderly or handicapped household.

3. A deduction for recurring, extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent of total income, where not compensated for or covered by insurance or other sources, such as public assistance or tort recovery.

4. A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.

Gross income is divided by 12 to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered as income for the determination of financial means.

W. [§ 223] Handicapped Household

"Handicapped household" means a household in which any member is handicapped or disabled.

X. [§ 224] Initiation of Negotiations

"Initiation of negotiations" means the initial written offer made by the Agency to the owner of the real property to be purchased, or the owner's representative.

Y. [§ 225] Last Resort Housing

"Last resort housing" means comparable replacement dwellings provided by the Agency with its funds or funds authorized for the project because comparable replacement dwellings will not otherwise be available as needed.

Last resort housing as herein defined does not refer to "replacement dwelling unit" as that term is used and defined in Section 33411.2(c) of the California Community Redevelopment Law.

Z. [§ 226] Manufactured Home or Mobilehome

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under Part 2 of Division 13 of the Health and Safety Code. Manufactured home includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. Section 5401, et. seq.).

"Mobilehome" means a structure that meets the requirements of a manufactured home. Mobilehome does not include a commercial coach, as defined in Health and Safety Code Section 18001.8, factory-built housing, as defined in Health and Safety Code Section 19971, or a recreational vehicle, as defined in Health and Safety Code Section 18010.

Or as Health and Safety Code Section 18007 or 18008, respectively, may be amended from time to time.

AA. [§ 227] Mortgage

"Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby, including but not limited to deeds of trust and land sales contracts.

BB. [§ 228] Nonprofit Organization

"Nonprofit organization" means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for

the carrying on of the business, profession or institutional activity on the premises.

CC. [§ 229] Ownership

"Ownership" means holding any of the following interests in a dwelling, or a contract to purchase one of the first six interests:

1. A fee title;

2. A life estate;

3. A 50-year lease;

4. A lease with at least 20 years to run from the date of acquisition of the property;

5. A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling;

6. A proprietary interest in a mobile home;

7. A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

DD. [§ 230] Person

"Person" means any individual, family, partnership, corporation, limited liability company or association.

EE. [§ 231] Personal Property

"Personal property" means tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is non-compensable (other than for moving expenses) under the state law of eminent domain.

In the case of a tenant, personal property includes fixtures and equipment, and other property which may be characterized as real property under state or local law, but which the tenant may lawfully and at his election determine to move, and for which the tenant is not compensated in the real property acquisition.

In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the closing or settlement statement with respect to the real property acquisition.

FF. [§ 232] Post-Acquisition Tenant

"Post-acquisition tenant" means a tenant who lawfully commences to occupy property only after the Agency acquires it, or who lawfully occupies property after the private acquisition of property by a person with a written agreement with the Agency for the purpose of financing the purchase or development of the property.

GG. [§ 233] Prepaid Expenses

"Prepaid expenses" means items paid in advance by the seller of real property and pro-rated between such seller and the buyer of such real property at the close of escrow including, but not limited to, real property taxes, insurance, homeowners' association dues and assessment payments.

HH. [§ 234] Project Area Committee

"Project area committee" means a committee formed for a redevelopment project area pursuant to Section 33385 of the California Community Redevelopment Law.

With respect to any redevelopment project in which such a project area committee has not been formed, "project area committee" shall refer to residents and community organizations within a displacement area.

II. [§ 235] Public Use

"Public use" means a use for which real property may be acquired by eminent domain.

JJ. [§ 236] Relocation Appeals Board

"Relocation Appeals Board" means the relocation appeals board established within the City pursuant to Section 33417.5 of the California Community Redevelopment Law.

KK. [§ 237] Small Business

"Small business" means a business as defined in Part 24 of Title 49 of the Code of Federal Regulations.

LL. [§ 238] Tenant

"Tenant" means a person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, which is owned by another.

MM. [§ 239] Unlawful Occupancy

"Unlawful occupancy" means occupancy where a person has been ordered to move by a court of competent jurisdiction or if the person's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

III. [§ 300] RELOCATION ADVISORY ASSISTANCE

A. [§ 301] Advisory Assistance to be Provided by the Agency

Programs or projects undertaken by the Agency shall be planned in a manner that recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations; and provides for the resolution of these problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion. The Agency shall ensure the relocation assistance advisory services described in this Section 301 are made available to all persons displaced by the Agency. If the Agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result

thereof, the Agency may make the advisory services available to the person.

Notwithstanding Section 214, in any case in which the Agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project, shall be eligible for advisory services to the extent determined by the Agency.

The relocation advisory assistance to be provided by the Agency shall include those measures, facilities and/or services which are necessary or appropriate to do all of the following:

1. Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance;

2. Provide current and continuing information on the availability, sales prices, and rentals of comparable replacement dwellings for displaced homeowners and tenants, and suitable locations for businesses and farm operations;

3. Assure that, within a reasonable time period prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of displaced families and individuals, decent, safe, and sanitary dwellings, sufficient in number to meet the needs of, and available to, those displaced persons requiring those dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project a waiver may be obtained from the federal government;

4. Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate

to a comparable replacement dwelling, except in the case of any of the following:

a. A major disaster as defined in Section 102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. 5121) and/or the California Natural Disaster Assistance Act;

b. A state of emergency declared by the President or Governor;

c. Any other emergency which requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health and safety of the person.

5. Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

6. Supply information concerning other federal and state programs which may be of assistance to those persons in applying for assistance under the program;

7. Provide other advisory services to displaced persons in order to minimize hardships to those persons;

8. Fully inform eligible persons within 60 days following the initiation of negotiations, but not later than the close of escrow on the property, as to the availability of relocation benefits and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such benefits and assistance. For projects by private parties with an agreement with the Agency, the initiation of negotiations shall be the later of the date of acquisition or the date of the written agreement between the private entity and the Agency for

purposes of acquiring or developing the property;

9. Assist each eligible, displaced person to complete applications for payments and benefits;

10. Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, ancestry, national origin, sex, sexual orientation, marital status, familial status, or any basis protected by state or federal anti-discrimination laws, or any other arbitrary circumstances. Such relocation process shall satisfy the requirements of Title VI of the Civil Rights Act 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act, the California Fair Housing Law and applicable state and federal anti-discrimination laws;

11. Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

B. [§ 302] Informational Program

1. [§ 303] General Information

The Agency shall establish and maintain an information program utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property which the Agency is acquiring informed on a continuing basis about its relocation program. The criterion for selecting among various alternative mechanisms shall be the likelihood of actually communicating information to such persons. Legal publications, legal ads in local newspapers of general circulation and similar means are inadequate if they are likely to go unnoticed.

The Agency shall provide technical assistance as necessary to interpret elements of the Agency's Relocation Plan and other pertinent materials.

2. [§ 304] Personal Contact

As soon as practicable following the initiation of negotiations to acquire a parcel of real property the Agency shall contact each eligible person occupying such property to carefully explain and discuss fully with such person the extent of relocation payments and assistance that may be made available by the Agency. Such contact shall be direct and personal except where repeated efforts indicate that such contact is not possible. Such contact may be made at the time and as part of the interview to ascertain relocation needs conducted pursuant to Section 310. All persons shall be advised and encouraged to visit the Agency's relocation office for information and assistance. The Agency shall maintain personal contacts with occupants of the property to the maximum extent practicable.

3. [§ 305] Information Statement: Relocation Assistance

As soon as practicable following the initiation of negotiations to acquire a parcel of real property (and within 60 days thereof, but at least 90 days before displacement) the Agency shall provide each occupant of such property with a written statement containing the following information:

1. A general description of the nature and types of activities that will be undertaken and identification of the displacement area involved, including a diagrammatic sketch of such area;

2. A statement that Agency action may result in displacement, but that to the greatest extent practicable, no person lawfully occupying the real property will be required to move without at least 90 days' written notice from the Agency;

3. A statement to residents that families and individuals will not be required to move from their dwellings before reasonable offers of comparable replacement dwellings within their financial means have been made,

except under limited circumstances provided for in these Rules and Regulations;

4. A general description of types of relocation payments available, including general eligibility criteria, and a caution against premature moves that might result in loss of eligibility for a payment;

5. Identification of the Agency's relocation program and a description of relocation services and aids that will be available;

6. Encouragement to visit the Agency's relocation office and cooperate with staff, and the address, telephone number and hours of the relocation office;

7. Information to residents on replacement dwellings, including:

   a. A brief description of what constitutes a replacement dwelling, including physical standards;

   b. A layman's description of applicable federal, state and local fair housing laws;

   c. A statement that the Agency will identify available comparable replacement dwellings and will provide assistance to persons in obtaining housing of their choice, including assistance in referring complaints of discrimination to the appropriate federal, state or local fair housing enforcement agency;

   d. A statement that persons may seek their own housing accommodations, and urging them, if they do so, to notify the Agency prior to making a commitment to purchase or occupy the property.

8. A statement to businesses that the Agency will provide every possible assistance in

locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance;

9. A statement to businesses describing the requirement for prior notification to the Agency of the business concern's intention to move;

10. A statement of the Agency's eviction policy;

11. A statement describing the Agency's grievance procedure, its purpose and how it may be used;

12. Any additional information that the Agency believes would be helpful.

Where appropriate, separate information statements shall be prepared for residential and non-residential occupants.

4. [§ 306] Notice of Eligibility Status

In addition to disseminating general information of the type described in Section 302, the Agency shall provide each occupant of the property with individual, written notification of the eligibility status as soon as it has been established.

5. [§ 307] Language of Informational Material

Informational material shall be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write, or understand English fluently, the native language of the people should be used and all informational material should be provided in the native language(s) and English.

6. [§ 308] Method of Delivery of Informational Material

To assure receipt of the informational material, the Agency shall arrange to have the material either hand-

delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

C. [§ 309] Determination of Relocation Needs

1. [§ 310] Interviews

As soon as practicable following the initiation of negotiations to acquire a parcel of real property the Agency shall interview each eligible person occupying such property to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs. The interview shall be by direct, personal contact, except where repeated efforts indicate that such contact is not possible. The Agency shall carefully explain and discuss fully with each person interviewed the purpose of the interview.

When a person cannot be interviewed or the interview does not produce the information to be obtained reasonable efforts shall be made to obtain the information by other means.

a. [§ 311] Information to be Obtained

The Agency shall endeavor to obtain the following information from eligible persons:

(1) Income;

(2) Whether a person is elderly or handicapped;

(3) Size of family;

(4) Age of children;

(5) Location of job and factors limiting accessibility;

(6) Area of preferred relocation;

(7) Type of unit preferred;

(8) Ownership or tenant preference;

(9) Need for social and public services, special schools and other services;

(10) Eligibility for publicly assisted or subsidized housing;

(11) With reference to the present dwelling:

(a) the rent;

(b) type and quality of construction;

(c) number of rooms and bedrooms;

(d) amount of habitable living space;

(e) locational factors including, among others, public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including municipal services).

(12) Such other matters that concern a household as its members contemplate relocation.

b. [§ 312] Coordination with Other Agencies

In order to avoid duplication of effort and to ensure that necessary information is available at the appropriate time, the Agency shall coordinate its interview activities with the survey activities, if any, of other agencies. Gathering of data pertinent to social service referrals of eligible persons shall be planned in cooperation with social service agencies.

c. [§ 313] Interview after Person Moves without Notice

If the Agency fails to conduct the required interview of any eligible person in a timely and effective manner, the Agency shall make every reasonable effort to identify, locate and interview such person who has moved so that his relocation needs can be determined.

2. [§ 314] Relocation Records

Based on information obtained during interviews and from other sources as applicable, the Agency shall prepare and maintain an accurate relocation record for each person to be displaced. The record shall contain a description of the pertinent characteristics of the persons to be displaced and the assistance deemed to be necessary. A displaced person (or any person authorized in writing by such person) shall have the right to inspect such documents containing information relating to him to the extent and in the manner provided by law.

3. [§ 315] Updating Information

In the event of delay of more than one year in the relocation of eligible persons occupying a parcel of real property with respect to which the Agency has initiated negotiations for acquisition, information pertaining to the relocation needs of such persons shall be undated prior to implementation of the displacement. Eligible persons shall be encouraged to bring any change in their needs to the attention of the Agency.

D. [§ 316] Relocation Site Office

The Agency may, as it deems necessary, establish a site office which is accessible to all area residents and businesses who may be displaced to provide relocation assistance. Any such office shall be staffed with trained and/or experienced relocation personnel. Office hours shall be scheduled to accommodate persons unable to visit the office during normal business hours. The Agency may also make provision for meeting with displaced persons in their homes or places of business.

E. [§ 317] Contracting for Relocation Services

The Agency may enter into a contract with any individual, firm, association, corporation or governmental agency having an established organization for conducting relocation assistance programs, for the purpose of providing relocation advisory assistance.

F. [§ 318] Coordination of Relocation Assistance

The Agency shall coordinate its relocation assistance program with other work necessitating displacement of persons, and with activities of other public entities in the City or nearby areas, for the purpose of planning relocation activities and coordinating the availability of replacement dwelling resources in the implementation of the Agency's relocation assistance program.

IV. [§ 400] RELOCATION PLANS

A. [§ 401] Overall Relocation Plan

1. [§ 402] Contents of Plan

a. [§ 403] Report to City Council

As part of the Agency's report to City Council submitted in connection with the adoption of a redevelopment plan for any redevelopment project area, the Agency shall prepare a feasible method or plan for the relocation of all of the following:

(1) Families and persons to be temporarily or permanently displaced from housing facilities in the project area; and

(2) Nonprofit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in the project area.

The method or plan shall show that there are or are being provided in the redevelopment project area, or in other areas, comparable replacement dwellings equal in

number to the number of and available to families and persons displaced from dwellings in the redevelopment project area. The method or plan shall also show that permanent housing facilities will be available within three years from the time occupants of the redevelopment project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

The method or plan shall provide that no persons or families of low or moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings.

The Agency may also provide in such report to City Council a feasible method or plan for the relocation of businesses to be temporarily or permanently displaced from facilities in the project area.

Plans prepared pursuant to this Section shall be provided to the Department upon request to be reviewed by the Department.

b. [§ 404] Additional Plan Elements

In addition to the plan elements referred to in Section 403, the Agency shall prepare and maintain as part of its Overall Relocation Plan the following information:

(1) A detailed description of the relocation advisory services program, including specific procedures for locating and referring eligible persons to comparable replacement dwellings;

(2) A description of the relocation payments to be made and a plan for disbursement;

(3) Standard information statement(s) to be sent to all persons to be displaced;

(4) A description of relocation office operation procedures;

(5) Plans for citizen participation;

(6) An enumeration of coordination activities undertaken with other displacing agencies and social service agencies;

(7) A formal grievance procedure for use by displaced persons seeking administrative review of Agency determinations.

2. [§ 405] Procedure for Preparation

The method or plan for relocation prepared pursuant to Section 403 shall accompany each redevelopment plan submitted by the Agency to the City Council as required by Section 33352 of the California Community Redevelopment Law.

With respect to redevelopment projects adopted after the effective date of these Rules and Regulations, the additional plan elements required by Section 404 shall be prepared, reviewed and approved by the Agency concurrently with such method or plan. With respect to redevelopment projects adopted prior to the effective date of these Rules and Regulations, such additional plan elements shall be prepared, reviewed and approved by the Agency within 120 days of such effective date.

B. [§ 406] Supplemental Relocation Plans

1. [§ 407] Required Generally

As soon as practicable following the initiation of negotiations to acquire a parcel of real property in any displacement area required for site improvements, disposition and development agreements, participation agreements or any other activity in implementing a redevelopment plan that will result in displacement, the

Agency shall prepare a Supplemental Relocation Plan. When the Agency's action will only result in an insignificant amount of non-residential displacement, or residential displacement will not exceed 15 households, the Agency is not required to prepare such a Supplemental Relocation Plan.

2. [§ 408] Contents of Plan

The Supplemental Relocation Plan for an implementation activity shall contain the following elements:

(1) A diagrammatic sketch of the displacement area;

(2) Projected dates of displacement;

(3) An analysis of the aggregate relocation needs of all persons to be displaced, including an analysis of replacement dwelling needs in accordance with Section 409;

(4) An analysis of replacement dwelling resources, in accordance with Section 410, based upon a survey of available comparable relocation resources initiated within 60 days following initiation of negotiations;

(5) A detailed explanation as to how the aggregate relocation needs of all persons to be displaced are to be met;

(6) A cost estimate for carrying out the Supplemental Relocation Plan and identification of the source of necessary funds;

(7) A detailed plan by which any last resort housing is to be provided, in accordance with Section 411;

(8) Temporary relocation plans, if any;

(9) Additional information or data regarding any plan element prepared pursuant to Section 401, as necessary to address such relocation aspects of the implementation activity not previously considered in the Overall Relocation Plan.

a. [§ 409] Analysis of Replacement Dwelling Needs

A written analysis of replacement dwelling needs shall be prepared. It shall be prepared in sufficient detail to enable determination of the availability for all potential displacees of housing which meets the standards set forth in the definition of comparable replacement dwelling.

The written analysis of replacement dwelling needs shall include:

(1) Separate information concerning homeownership and rental units;

(2) The number of units identified by cost for each size category;

(3) Needs of elderly and handicapped households shown separately, including information on the number of such households requiring special facilities and the nature of such facilities;

(4) Description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable replacement dwellings;

(5) Information concerning proximity to present employment sources, medical and recreational

facilities, parks, community centers, shopping, transportation and schools;

(6) Information concerning proximity to other relevant needs and amenities.

b. [§ 410] Analysis of Replacement Dwelling Resources

A written analysis of replacement dwelling resources shall be prepared in sufficient detail to enable a determination of the availability for all potential displacees of housing which meets the standard for comparable replacement dwelling.

The written analysis of replacement dwelling resources shall include:

(1) Separate information concerning homeownership and rental units;

(2) The number of units available by cost for each size category;

(3) Resources available to meet the needs of elderly and handicapped households shown separately, including information on the number of units with special facilities and the nature of such facilities;

(4) Description of the locational characteristics of the neighborhoods in the survey area (established pursuant to Sections 503-505 below) corresponding to the requirements of comparable replacement dwellings;

(5) Information concerning proximity to present employment sources (with the consent of the displaced person a potential employer may be substituted), medical and

recreational facilities, parks, community centers, shopping, transportation and schools;

(6) Information concerning proximity to other relevant needs and amenities.

c. [§ 411] Method of Providing Last Resort Housing

If the Agency determines to use its funds or the funds authorized for the project to provide last resort housing, the Agency shall, as part of the Supplemental Relocation Plan, prepare a plan for producing such last resort housing. The Plan shall specify:

(1) How, when and where the housing will be provided;

(2) How the housing will be financed and the amount of funds to be diverted to such housing;

(3) The prices at which the housing will be rented or sold to the families and individuals to be displaced;

(4) The arrangements for housing management and social services, as appropriate;

(5) The suitability of the location and environmental impact of the proposed housing;

(6) The arrangements for maintaining rent levels appropriate for the persons to be rehoused;

(7) The disposition of proceeds for rental, sale or resale of such housing;

(8) Any referendum or zoning requirements and the appropriate procedures to be followed.

The Agency may consult or contract with the Department, a local housing authority or other agency or organization having experience in the administration or conduct of housing programs to provide technical assistance and advise in the development of the plan for last resort housing.

d. [§ 412] Information Required

The Supplemental Relocation Plan shall contain sufficient facts to show that:

(1) Fair and reasonable relocation payments will be provided to eligible persons as required by state law and these Rules and Regulations;

(2) A relocation advisory assistance program will be established in conformance with state law and these Rules and Regulations;

(3) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for by state law and these Rules and Regulations;

(4) Based upon recent survey and analysis of both the housing needs of persons who will be displaced and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number,

size and cost for the eligible persons who require them;

(5) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement dwellings available without regard to race, color, religion, ancestry, national origin, sex, sexual orientation and marital status, with minimum hardship to those affected;

(6) A relocation plan meeting the requirements of state law and these Rules and Regulations has been prepared;

(7) The necessary relocation resources will be available as required;

(8) With respect to the acquisition of real property, to the greatest extent practicable, adequate provisions have been made to be guided by the applicable provisions of state law and these Rules and Regulations.

3. [§ 413] Review of Supplemental Relocation Plan

The Supplemental Relocation Plan for an implementation activity shall be submitted to the Project Area Committee for review and comment. The Project Area Committee shall have 30 calendar days following receipt of the plan to prepare and submit written comments to the Agency. The Agency Board shall review and consider the information contained in each Supplemental Relocation Plan prior to displacing persons in connection with the redevelopment plan implementation activity for which the Supplemental Relocation Plan was prepared.

C. [§ 414] Conformance to General Plan

Relocation plans prepared by the Agency in accordance with Section 400 shall be consistent with the Housing Element of the City's General Plan.

D. [§ 415] Update of Relocation Plans

In the event of delay of more than one year in the implementation of a Supplemental Relocation Plan prepared by the Agency, such Supplemental Relocation Plan shall be updated prior to its implementation. In addition the Agency shall maintain its Overall Relocation Plan in a manner to reflect current law, procedures, and circumstances.

V. [§ 500] ASSURANCE OF COMPARABLE REPLACEMENT DWELLING

A. [§ 501] Requirement Generally

No displaced resident shall be required to move from his or her dwelling because of its acquisition by the Agency, unless comparable replacement housing is available to the person. The foregoing shall not apply to a displaced resident who owns the dwelling being acquired, who agrees with the Agency in writing to remain in occupancy of the acquired dwelling, as provided in Section 606b below.

The Agency shall assure that, within a reasonable period of time prior to displacement, to the extent that it can be reasonably accomplished, there will be available comparable replacement dwellings equal in number to the number of displaced residents who require such dwellings. In any event, permanent housing facilities (comparable replacement dwellings) shall be made available within three years from the time residents are displaced and pending the development of such facilities there shall be available to such displaced residents adequate temporary housing facilities.

### B. [§ 502] Procedure for Identifying Comparable Replacement Dwellings

#### 1. [§ 503] Survey of Available Replacement Dwellings

As soon as practicable following the initiation of negotiations to acquire a parcel of real property the Agency shall initiate a survey of available comparable replacement dwellings. If a recent survey that provides the information identified in Section 504 is not available, the Agency shall conduct a survey of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon. In the event of delay in carrying out the implementation activity to which the survey pertains, the survey shall be updated at least annually.

#### 2. [§ 504] Information to be Obtained

##### a. [§ 505] Survey Area

The survey area shall be reasonably related to the displacement area and to the needs and preferences of the persons to be displaced. The survey area shall have relevant characteristics specified for comparable replacement dwellings which equal or exceed those of the neighborhood from which persons are to be displaced.

##### b. [§ 506] Gross Number of Comparable Replacement Dwellings

###### (1) [§ 507] Standard Generally

Only dwelling units which satisfy the standards of comparable replacement dwellings, including the locational criteria, shall be counted as a relocation resource.

###### (2) [§ 508] Uncompleted New Construction or Rehabilitation

Uncompleted new construction or rehabilitation shall only be counted toward the gross number of comparable replacement dwellings if there is a substantial likelihood that the dwelling units will be available when needed and

at housing prices or rental costs within the financial means of the prospective occupants.

(3) [§ 509] Publicly Subsidized Housing

Publicly subsidized housing, as defined pursuant to Article XXXIV of the California Constitution and Sections 37000 through 37002 of the Health and Safety Code, shall only be counted toward the gross number of comparable replacement dwellings if it reasonably can be established that:

(a) The dwelling units will be available when needed;

(b) The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance;

(c) The dwelling units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered;

(d) The number of dwelling units available in the City exceeds the number of households in need of the dwelling units, provided however that this requirement shall not apply when:

i) the Agency or another public entity undertakes to provide such publicly subsidized housing specifically as a relocation resource; or

ii) the Agency establishes that such publicly subsidized housing will

be replaced by last resort housing within four years. To establish that last resort housing will be developed as required the Agency must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing, or the equivalent, and must identify ownership;

(e) With respect to uncompleted new construction or rehabilitation, such publicly subsidized dwelling units are being subsidized to provide relocation resources.

c. [§ 510] Adjustment for Concurrent Displacement

The gross number of comparable replacement dwellings in the survey area shall be discounted to reflect concurrent displacement by the federal government and its agencies, including federally assisted projects, as well as displacement by other public entities.

d. [§ 511] Adjustment for Housing Turnover

The gross number of comparable replacement dwellings in the survey area shall be discounted to reflect the extent to which turnover exists. Turnover is the dynamic operation by which occupancy changes occur within a standing inventory of dwelling units over a period of time and theoretically could occur in the complete absence of vacancies on a person to person basis. Turnover may not be counted as an available housing resource.

### 3. [§ 512] Review of Survey Results

When more than 15 households will be displaced, results of the survey of comparable replacement dwellings shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing.

Notwithstanding the results of the survey of comparable replacement dwellings, if the demand for housing is such that there are no vacancies other than those permitted by turnover, the Agency may proceed to displace residents from dwellings, but only to the extent that the Agency obtains offers of comparable replacement dwellings for such residents in accordance with the provisions of Section 513.

## C. [§ 513] Offers of Replacement Dwellings

The Agency shall obtain at least three offers of comparable replacement dwellings for each displaced resident; provided that where the Agency determines that, due to special circumstances, three is not a reasonable number, fewer than three offers may be deemed sufficient to satisfy the requirements of this Section. Such offers shall be in writing, in a language understood by the displaced resident.

The Agency's obligation to obtain a comparable replacement dwelling for any displaced resident shall be deemed to be satisfied if such resident is offered and refuses without justification, the number of specifically identified comparable replacement dwellings provided for in this Section.

## D. [§ 514] Temporary Move

### 1. [§ 515] Use of Temporary Replacement Housing

The Agency may relocate displaced residents to temporary replacement housing under the conditions provided in Section 514. Such housing shall meet the standards of an adequate replacement dwelling. Adequate replacement dwelling means a dwelling which meets all of the criteria for a comparable replacement dwelling, except that with respect to the number of rooms, habitable living space and

type of construction the dwelling need be only adequate, not comparable. A replacement dwelling is an adequate replacement dwelling if it conforms to the occupancy standards of the Agency, as they presently exist or as they may be amended from time to time. A copy of the Agency's occupancy standards is on file in the office of the Agency.

The Agency shall minimize, to the greatest extent feasible, the use of temporary replacement housing. Temporary replacement housing may be used, among other appropriate times, when a project plan anticipates moves back into completed project accommodations.

Notwithstanding the provision that permanent housing facilities may be made available at any time within three years from the time residents are displaced, to the extent reasonably practicable, the Agency shall not rely upon temporary replacement housing if comparable replacement dwellings will not be available to the displaced resident within 12 months of the date of the temporary move. The displaced resident may agree to extend the 12 month limitation.

2. [§ 516] Relocation Assistance and Payments

The Agency shall provide displaced residents who move to temporary replacement housing with relocation assistance, services and benefits designed to achieve permanent relocation of such residents into comparable replacement dwellings.

3. [§ 517] Assurance Prior to Temporary Move

Prior to any temporary move, the Agency shall determine and provide written assurance to each displaced resident that:

a. Comparable replacement dwellings will be made available at the earliest possible time, and to the extent reasonably practicable no later than 12 months from the date of the move to the temporary replacement housing;

b. Comparable replacement dwellings will be made available, on a priority basis,

to the individual or family who has been temporarily rehoused;

c. The move to temporary replacement housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement dwelling units that would have been made available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of relocation payments to which a displaced resident is entitled;

d. If a project plan anticipates moves back into housing accommodations in the project area, the resident who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations;

e. The Agency will pay all costs in connection with the move to temporary replacement housing, including increased housing costs.

E. [§ 518] Provision of Last Resort Housing

1. [§ 519] Authorization; Methods

If a program or project undertaken by the Agency cannot proceed on a timely basis because comparable replacement dwellings are not available, and the Agency determines that such housing cannot otherwise be made available, the Agency shall take any actions necessary or appropriate to provide the dwellings by use of funds authorized for the project. This Section shall be construed to authorize the Agency to exceed the maximum amounts which may be paid under Sections 604 and 614 on a case-by-case basis for good cause as determined by the Agency in a Supplemental Relocation Plan prepared pursuant to Section 411. Where the Agency is undertaking a project with funds administered by a state agency or board, the determination of payments to be made pursuant to this Section shall be pursuant to these Rules and Regulations.

The Agency may expend funds and take such other actions as necessary to provide, rehabilitate, or construct last resort housing pursuant to an approved plan for last resort housing through methods including but not limited to the following:

a. A replacement housing payment calculated in accordance with the provisions of Sections 604 or 614, as appropriate, even if the calculation is in excess of the monetary limits of Government Code Sections 7263 and 7264. A rental assistance payment under this Section shall be paid to the displaced person in a lump sum, or at the discretion of the Agency, $5,250 shall be paid to the displaced person in a lump sum upon displacement and the remainder of the payments shall be paid to the displacee in periodic payments over a period not to exceed 42 (or 48 as applicable) months unless otherwise specified by statute;

b. Major rehabilitation of and/or additions to an existing replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under Section 519a;

c. The construction of a new replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under Section 519a;

d. The relocation and, if necessary, rehabilitation of a dwelling;

e. The purchase of land/or a replacement dwelling by the Agency and subsequent sale or lease to, or exchange with a displaced person;

f. For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped;

g. Transfer of funds to state and local housing agencies;

h. Contract with organizations experienced in the development of housing;

i. Provide housing subsidies as permitted by law.

Whenever practicable, the Agency shall utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order most efficiently to provide last resort housing in sufficient quantity to satisfy the aggregate needs of such programs.

2. [§ 520] Nondiscrimination; Affirmative Action

All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, color, religion, ancestry, national origin, sex, sexual orientation, marital status or other arbitrary circumstance and pursuant to an affirmative action program. The Agency shall encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in an area of minority concentration, the Agency shall seek to secure significant participation of minorities in these activities. The Agency shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation and operation of last resort housing be given to persons of low income residing in the area of such housing and shall determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

3. [§ 521] Conformity with Statutes and Regulations

The provision of last resort housing by the Agency shall be in accord with the provisions of all applicable federal and state non- discrimination laws and regulations issued pursuant thereto.

4. [§ 522] Monitoring Housing Production

The Agency shall monitor the production of the last resort housing to ensure that it is in accordance with the plan for last resort housing approved by the Agency.

5. [§ 523] Retention of Benefits upon Move to Last Resort Housing

The Agency shall not require a displaced resident to accept last resort housing in lieu of the displaced resident's acquisition payment, if any, for the real property from which he is displaced or the relocation payments for which he may be eligible.

F. [§ 524] Move to Substandard Dwelling Unit

The Agency shall inspect each replacement dwelling prior to the time a displaced resident occupies it. The Agency shall not induce or encourage a displaced resident to acquire a dwelling which does not satisfy the standards of a comparable replacement dwelling.

If a displaced resident occupies a dwelling unit to which he is referred by the Agency and the dwelling unit does not satisfy the standard of a comparable replacement dwelling, the Agency shall offer to locate such a dwelling for the displaced resident and to pay again all moving and related expenses.

If a displaced resident chooses not to move from a substandard dwelling unit he has occupied, the displaced resident shall nevertheless be eligible to receive relocation assistance and payments if one of the following conditions is met:

1. If he occupied the substandard dwelling unit following referral by the Agency; or

2. If the rental or purchase of the substandard dwelling unit is the result of the Agency's failure to identify a reasonable number of comparable replacement dwellings; or

3. If the purchase of the substandard dwelling unit is not the result of the Agency's referral or failure to refer, when the substandard dwelling unit is brought into compliance with the decent, safe and sanitary standard.

In the event the condition met is paragraph 3, any replacement housing payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling, or the sum of the actual costs of acquisition (including incidental expenses) and rehabilitation, whichever is less.

G. [§ 525] Waiver of Requirement for Replacement Dwelling Prior to Displacement

When immediate possession of the real property is of crucial importance and one of the following circumstances exists, the Agency may require an eligible displaced resident to move from his dwelling before a comparable replacement dwelling or temporary adequate replacement dwelling is available:

1. When displacement is necessitated by a major disaster as defined in Section 102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. 5121) and/or the California National Disaster Assistance Act;

2. During periods of national or state emergency declared by the President or Governor;

3. When any other emergency situation occurs which requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health or safety of the person.

Any waiver of the requirement for replacement dwellings prior to displacement shall be supported by appropriate findings and a determination of the necessity for the waiver.

## VI. [§600] RELOCATION PAYMENTS TO DISPLACED RESIDENTS

### A. [§ 601] Payments Required

The Agency shall compensate a displaced resident for the actual moving and related expenses the Agency determines to be reasonable and necessary, including the expenses described in Section 602 or 603 and in Section 604 or 614. A displaced resident who lives on his business property may be eligible for both the payments described in this Section 600 and the payments to a displaced business provided under Section 700. A person who moves from his dwelling or who moves his personal property therefrom because he is displaced by the Agency from other real property on which he conducts a business shall be eligible only for payments provided for under Section 602 or 603.

### B. [§ 602] Actual Reasonable Moving Expenses

A displaced resident shall be compensated for the actual reasonable expense incurred in moving himself or herself, or his or her family; or his or her, or his or her family's personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

1. Transportation of persons and property not to exceed a distance of 50 miles from the site from which the resident was displaced, except where the Agency determines that relocation beyond such distance of 50 miles is justified;

2. Packing, crating, unpacking and uncrating personal property;

3. Such storage of personal property, for a period generally not to exceed 12 months, as

determined by the Agency to be necessary in connection with relocation;

4. Insurance of personal property while in storage or transit;

5. The reasonable replacement value of property lost, stolen, or damaged (not through the fault of the displaced resident, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available;

6. The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property not acquired by the Agency, including connection charges imposed by public utilities for starting utility service.

C. [§ 603] Alternate Payments

A displaced resident who is eligible for a payment for actual reasonable moving expenses may elect to receive, and shall be paid, in lieu of such payments, a moving expense and dislocation allowance which shall be determined according to a schedule established by the Agency. The schedule shall be consistent with the Residential Moving Expense and Dislocation Allowance Payment Schedule established by Part 24 of Title 49 of the Code of Federal Regulations.

D. [§ 604] Replacement Housing Payments for Displaced Homeowners

1. [§ 605] Amount of Payment

The Agency shall make to a displaced resident who meets the eligibility requirements of Section 606 a payment not to exceed a combined total of $22,500 for:

a. The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost of a comparable replacement dwelling. This amount

shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling;

b. The amount, if any, to compensate the displaced resident for any increased interest costs which the displaced resident is required to pay for financing the acquisition of a comparable replacement dwelling. The payment shall not be made unless the dwelling acquired by the Agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days immediately prior to the initiation of negotiations for acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of Section 606a). All of the mortgages on the acquired dwelling shall be used to compute the payment;

c. Reasonable expenses incurred by the displaced resident incident to the purchase of the replacement dwelling, but not including prepaid expenses;

d. The cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

2. [§ 606] Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfies the following conditions:

a. Has actually owned and occupied the dwelling from which he is displaced as a permanent or customary and usual place of abode for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling. If an owner satisfies all but the 180 day requirement and can

establish to the satisfaction of the Agency that he bought the dwelling with the intention of making it his place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he neither knew nor should have known that public acquisition was intended, the Agency may reduce the requirement as necessary.

b. Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year from the later of:

(1) The date the displaced resident receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court; or

(2) The date the Agency fulfills its obligation to make available at least one comparable replacement dwelling to the displaced resident.

However, the Agency may extend the period for good cause. Also, the displaced resident and the Agency may agree in writing that the displaced resident may remain in occupancy of the acquired dwelling as a tenant of the Agency, on the conditions that the displaced resident shall only be entitled to the payment authorized by this Section on the date on which the owner moves from the acquired dwelling, and the payment shall be an amount equal to that which the displaced resident would have been entitled if the displaced resident had purchased and occupied a replacement dwelling one year subsequent to the date on which

final payment was received for the acquired dwelling from the Agency.

c. Where for reasons beyond the control of the displaced resident completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Agency shall determine the date of occupancy to be the date the displaced resident enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact the displaced resident occupies the replacement dwelling when the construction or rehabilitation is completed. Where for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling by the required date, the Agency may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the Agency may extend the deadline. No person otherwise eligible for payment shall be denied such eligibility as a result of being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

In implementing the Relocation Assistance Law, it is the intent that special consideration be given to the financing and location of a comparable replacement dwelling for displaced residents 62 years of age or older.

3. [§ 607] Computation of Replacement Housing Payment

a. [§ 608] Reasonable Cost of Comparable Replacement Dwelling

In determining the reasonable cost of a comparable replacement dwelling, the Agency shall use one of the following methods:

(1) Comparative Method. On a case by case basis by determining the listing price of dwellings which have been selected by the Agency and which are most representative of the acquired dwelling unit and meet the definition of a comparable replacement dwelling. Whenever possible the listing price of at least three dwellings shall be considered; or

(2) Schedule Method. Where the Agency determines the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The Agency shall cooperate with other entities causing displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. The analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas, if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of

construction, number of bedrooms, and price ranges; and

(3) Alternative Method. Where the Agency determines that neither the schedule method nor the comparative method is feasible in a given situation, it may use another reasonable method selected by the Agency.

Whichever method is selected, the cost shall be updated to within three months of the date of purchase of the replacement dwelling.

b. [§ 609] Increased Interest Cost

The amount of increased interest cost shall be computed using the lesser of the principal balance of the mortgage on the replacement dwelling or the outstanding principal balance of the mortgage on the acquired dwelling and the lesser of the remaining term on the acquired dwelling or the actual term of the new mortgage. The present value of the increased interest costs shall be computed based on the lesser of the prevailing interest rate or the actual interest rate on the replacement property. The amount shall also include other reasonable debt service costs incurred by the displaced resident. For the purposes of this Section 609, if the replacement dwelling is a mobile home, the term "mortgage," as defined in Section 227, shall include those liens as are commonly given to secure advances on, or the unpaid purchase price of, mobile homes, together with the credit instruments, if any, secured thereby.

c. [§ 610] Expenses Incident to the Purchase of the Replacement Dwelling

The replacement housing payment shall include the amount necessary to reimburse the displaced resident for actual costs incurred by him incident to the purchase of the replacement dwelling, including but not limited to the following:

(1) Legal, closing, and related costs including title search, preparing

conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation;

(2) Lender, FHA, VA or similar appraisal costs;

(3) FHA, VA, or similar application fee;

(4) Cost for certification of structural soundness;

(5) Credit report charges;

(6) Charge for owner's and mortgagee's evidence or assurance of title;

(7) Escrow agent's fee;

(8) Sales and transfer taxes.

Payment for any such expenses shall not exceed the amount attributable to the purchase of a replacement dwelling. Such expenses shall be reasonable and legally required or customary in the City.

Reimbursement shall not be made under the provisions of this Section for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of increased interest cost.

4. [§ 611] Multi-Family Dwelling

In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building of approximately the same density or, if that is not available, in a building of the next less density, or, if a comparable one-family unit in such a

multi-family building is not available, the cost of any otherwise comparable single-family structure.

5. [§ 612] Homeowner Retention of Dwelling

If a displaced homeowner elects to retain, move, and occupy his dwelling, the amount payable as the replacement housing payment is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe, and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The payment shall not exceed the amount of the replacement housing payment to which the homeowner would otherwise be entitled.

6. [§ 613] Lease of Condominium

For the purpose of this Section 604, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced resident as determined by the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.

E. [§ 614] Replacement Housing Payments for Tenants and Certain Others

1. [§ 615] Amount of Payment

The Agency shall make to a displaced resident who meets the eligibility requirements of Section 616 a payment not to exceed $5,250 for:

a. An amount necessary to enable the person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, unless the displaced person meets one or more of the conditions set forth in paragraph 3 of Section 208, in which case the payment, which shall not exceed $5,250, shall be the additional amount which is necessary to enable the person to lease or rent a comparable replacement dwelling for a period not to exceed 48

months; except that publicly funded transportation projects shall make payments enabling the person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, including compensation for utilities, as provided in subdivision (b) of Section 24.402 of Part 24 of Title 49 of the Code of Federal Regulations; or

b. An amount necessary to enable such person to make a downpayment on the purchase of a decent, safe, and sanitary replacement dwelling (including incidental expenses described in Section 610).

2. [§ 616] Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfies the following conditions:

a. Has actually and lawfully occupied the dwelling as a permanent or customary and usual place of abode from which the resident is displaced for a period of not less than 90 days prior to the initiation of negotiations for acquisition of the dwelling, or in any case in which displacement is not a direct result of acquisition, to any other event which the Agency shall prescribe. If a resident satisfies all but the 90-day requirement and can establish to the satisfaction of the Agency that he occupied the dwelling with the intention of making it his place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits and that he neither knew nor should have known that public acquisition was intended, the Agency may reduce the requirement as necessary.

b. Is not eligible to receive a replacement housing payment for homeowners or elects not to receive such payment. Where the displaced resident is the owner-occupant of the dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment made under Section 615b shall not exceed the amount of payment to which the resident would be entitled under Section 604.

c. The displaced resident shall within one year from the date of displacement rent or purchase (as the case may be) and occupy a replacement dwelling. Where for reasons beyond the control of the displaced resident completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Agency shall determine the date of occupancy to be the date the displaced resident enters into a contract for such construction, rehabilitation, or relocation or for rental or purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Where for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling by the required date, the Agency may extend the deadline as necessary. If, by the deadline, the displaced person has contracted to rent or purchase a replacement dwelling, the Agency will extend the deadline. No person otherwise eligible for payment shall be denied such eligibility as a result of

his being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

In implementing the Relocation Assistance Law, it is the intent that special consideration shall be given to assisting any displaced resident 62 years of age or older to locate or lease or rent a comparable replacement dwelling.

3. [§ 617] Computation of Replacement Housing Payment

a. [§ 618] Rent Differential Payment

The amount of payment necessary for a displaced resident to lease or rent a comparable replacement dwelling shall be computed by subtracting 42 (or 48 as applicable) times the base monthly rental of the displaced resident, from 42 (or 48 as applicable) times the monthly rental for a comparable replacement dwelling; provided, that in no case may such amount exceed the difference between 42 (or 48 as applicable) times the base monthly rental and 42 (or 48 as applicable) times the monthly rental actually required for the replacement dwelling occupied by the displaced resident.

(1) Base Monthly Rental. The base monthly rental shall be the lesser of:

(a) the average monthly rental paid by displaced resident for the 3-month period prior to initiation of negotiations; or

(b) 30 percent (or 25 percent as applicable) of the displaced resident's average monthly income.

Where the displaced resident was the owner of the dwelling from which he was displaced or was not required to pay rent for that

dwelling, or where the rental was unrealistically low, the economic rent shall be used in lieu of the average monthly rental to calculate base monthly rental.

(2) Rental for Comparable Replacement Dwelling. The monthly rental for a comparable replacement dwelling shall be determined by the Agency using one of the following methods:

(a) Comparative Method. On a case by case basis by determining the listing rental of dwellings which are most representative of the acquired dwelling and meet the definition of a comparable replacement dwelling. Whenever possible the listing rental of at least three dwellings shall be considered; or

(b) Schedule Method. Where the Agency determines the comparative method is not feasible, it may establish a schedule of reasonable rental charges for the various types of comparable replacement dwellings. The Agency shall cooperate with other entities causing displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable rental charge for each type of dwelling to be rented. The analysis may be confined to the subarea from which the persons are displaced or may cover several different

subareas, if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and range of rental charges; or

(c) Alternative Method. Where the Agency determines that neither the schedule method, nor the comparable method is feasible in a given situation, it may use another reasonable method selected by the Agency.

Whichever method is selected, the cost shall be updated to within three months of the date of rental of the replacement dwelling.

In calculating the base monthly rental and the rental for a comparable replacement dwelling the Agency will include as a component of rent the cost or estimated cost of utilities, but not including telephone service.

Computation of a payment under this Section to a low-income displaced resident for a comparable replacement dwelling shall take into account the person's income.

b. [§ 619] Downpayment

The downpayment for which a payment specified in Section 615b may be made shall not exceed the amount of a reasonable downpayment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses incident to the purchase of a replacement dwelling computed in accordance with Section 610. The full amount of a downpayment shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the Agency.

### 4. [§ 620] Rental Payments for Displaced Homeowners and Dependents

#### a. [§ 621] Homeowners

A displaced homeowner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility requirements of Section 616 is eligible for the rent differential payment specified in Section 615a.

#### b. [§ 622] Dependents

A dependent who is residing separate and apart from the person or family providing support, whether such separate residence is permanent or temporary, shall be entitled to payment under Section 614, but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. For the purposes of this Section "dependent" shall be a person who derives 51 percent or more of his income in the form of gifts, from any private person or any academic scholarship or stipend. Full time students shall be presumed to be dependents but may rebut this presumption by demonstrating that 50 percent or more of their income is derived from sources other than gifts from another private person or academic scholarship or stipends.

Dependents residing with the family of which they are a part shall not be entitled to any payment except as a part of the family.

## F. [§ 623] Payments to Residents Displaced from Manufactured Homes and Mobilehomes

### 1. [§ 624] Payment Required

The eligibility requirements and payment provisions of Section 600 are applicable to displaced residents who are owners or tenants of manufactured homes or mobilehomes.

### 2. [§ 625] Moving Expenses: Retention and Move of Manufactured Home or Mobilehome

If a manufactured home or mobile home is moved to another site and the displaced resident elects to be compensated for actual reasonable moving expenses (and not

an alternate payment pursuant to Section 603), then the displaced resident shall be paid an amount for moving expenses determined in accordance with the applicable provisions of Section 703, Actual Reasonable Moving Expenses for a displaced business.

3. [§ 626] Replacement Housing Payments

The Agency shall make a replacement housing payment to a displaced resident who is displaced from his manufactured home or mobilehome in the following situations:

a. A resident who owns a manufactured home or mobilehome and site and as a replacement purchases both a dwelling and site shall be provided a payment in accordance with Section 604. A resident who owns a manufactured home or mobilehome and site, and as a replacement rents both a dwelling and site, shall be provided a payment in accordance with Section 614.

b. A resident who rents a manufactured home or mobilehome and site and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with Section 614.

c. A resident who owns a manufactured home or mobilehome and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with Section 604 and 614. The payment shall be limited to the lesser of:

(1) The amount necessary to purchase a conventional comparable replacement manufactured home or mobilehome; and

(2) The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with Section 604) plus the amount necessary to rent a replacement

site (in accordance with Section 614). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine base monthly rental.

d. A resident who owns a site from which he moves a manufactured home or mobilehome shall be provided a payment under Section 604 if he purchases a replacement site and under Section 614 if he rents a replacement site.

e. A resident who owns a manufactured home or mobilehome which is acquired and rents the site shall be provided payment as follows:

(1) If a manufactured home or mobilehome is not available the amount required to purchase a conventional replacement dwelling (in accordance with Section 604);

(2) The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with Section 604) plus the amount necessary to lease, rent or make a down payment on a replacement site (in accordance with Section 614); or

(3) If he elects to rent a replacement manufactured home or mobilehome and site, the amount required to do so in accordance with Section 614. In calculating this payment, the average monthly rental shall equal the economic rent for the manufactured home or mobilehome plus the actual rent for the site.

f. Similar principles shall be applied to other possible combinations of

ownership and tenancy upon which a claim for payment might be based.

G. [§ 627] Proration of Payment

For the purpose of calculating an alternate payment under Section 603, or a replacement housing payment under Section 604 or 614, two or more individuals (whether they are members of one family or not) living together in and displaced from a single dwelling shall be regarded as one displaced resident. If two or more such individuals submit more than one claim, an eligible claimant for a payment may be paid only his reasonable prorata share (as determined by the Agency) of the total payment applicable to a single displaced resident. The total of the payments made to all such claimants moving from the dwelling unit shall not exceed the total payment allowed to be made to a single displaced resident.

Where a tenant is sharing a single-family dwelling with an owner-occupant and paying the owner-occupant rent for the privilege, the tenant shall not be entitled to more than one-half of the replacement housing payment otherwise payable. The owner-occupant shall not be required to share the payment to which he is entitled or to accept a prorated amount.

VII. [§ 700] RELOCATION PAYMENTS TO DISPLACED BUSINESSES

A. [§ 701] Payments Required

The Agency shall compensate the owner of a displaced business for the actual moving and related expenses the Agency determines to be reasonable and necessary, including the expenses described in Section 702 or 706. Whenever the acquisition of real property used for a business causes the business to move from other real property upon which the same business is conducted, or to move its personal property therefrom, such business shall receive payments for moving and related expenses under Section 702 in connection with its move from such other real property.

## B. [§ 702] Moving Expenses; Loss of Property; Search Expenses

### 1. [§ 703] Actual Reasonable Moving Expenses

A displaced business shall be compensated for the actual reasonable expenses incurred for moving the business including moving personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

a. Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business was displaced, except where the Agency determines that relocation beyond such distance of 50 miles is justified;

b. Packing, crating, unpacking, and uncrating personal property;

c. Such storage of personal property for a period generally not to exceed 12 months, as determined by the Agency to be necessary in connection with relocation;

d. Insurance of personal property while in storage or transit;

e. The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced business, its agents or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available;

f. The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment, or other personal property (including

goods and inventory kept for sale) not acquired by the Agency, including connection charges imposed by public utilities for starting utility service;

g. The cost of modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply; claims for reimbursement of all such costs shall be subject to the following limitations:

(1) The cost shall be directly related to displacement;

(2) Reimbursement costs shall be reasonable in amount;

(3) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

h. The cost of any license, permit, or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location;

i. The reasonable cost of any professional services (including but not limited to architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site;

j. Where an item of personal property which is used in connection with any business is not moved but is replaced with a comparable item, reimbursement

in an amount not to exceed the lesser of:

(1) The replacement cost of the personal property, minus net proceeds (if any) realized from the sale of all or part of the property, or

(2) The estimated reasonable cost of moving the personal property, as determined by the Agency.

In order to obtain a payment under this paragraph, the displaced business shall make a bona fide effort to sell the personal property for which the payment is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. The displaced business shall be reimbursed for the reasonable costs of such effort to sell the tangible personal property.

Where, in the judgment of the Agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals, and similar property.

A displaced business which conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is lesser.

2. [§ 704] Actual Direct Losses of Tangible Personal Property

A displaced business shall be compensated for the actual direct losses of tangible personal property of the displaced business attributable to moving or discontinuing such business. The total amount of the payment by the Agency for such losses shall not exceed an amount equal to the estimated reasonable cost of moving the personal property, as determined by the Agency. Subject to such limitation, the actual direct loss of personal property for which claims may be filed shall be determined by appraising either:

a. The in-use value (fair market value of the personal property for continued use at its location prior to displacement) minus net proceeds realized from the sale of all or part of the property; or

b. The in-use value of the personal property, in the event the property cannot be sold and is abandoned.

The actual direct loss of personal property shall be computed and based on the appraisal obtained by either the Agency or the displaced business, and approved by the other.

In order to obtain a payment for the actual direct loss of personal property, the displaced business shall make a bona fide effort to sell the personal property for which the loss is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. The reasonable cost of an effort to sell the personal property shall be added to the determination of loss under this Section.

In the event personal property which is sold or abandoned is promptly replaced with a comparable item, no payment for the actual direct loss of such personal property shall be made to the displaced business by the Agency; instead, the displaced business shall be paid the amount specified in Section 703j.

3. [§ 705] Actual Reasonable Expenses in Searching for a Replacement Business

A displaced business shall be compensated in an amount not to exceed $1,000, for actual reasonable expenses incurred in searching for a replacement business, including expenses incurred for:

a. Transportation;

b. Meals and lodging away from home;

c. Time spent in searching, based on an hourly rate of the salary or earnings of the displaced business owner or his representative;

d. Fees paid to a real estate agent, broker, or other professional to locate a replacement business.

4. [§ 705.5] Actual Reasonable Expenses to Reestablish a Small Business or Nonprofit Organization

A small business or nonprofit organization shall be compensated in an amount not to exceed $10,000, for actual reasonable expenses necessary to reestablish the small business or nonprofit organization at its new site.

Reestablishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to:

a. Repairs or improvements to the replacement property as required by federal, state or local law, code or ordinance;

b. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;

c. Construction and installation costs for exterior signing to advertise the business;

d. Provision of utilities from right-of-way to improvements on the replacement site;

e. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling or carpeting;

f. Licenses, fees and permits when not part as part of moving expenses;

g. Feasibility surveys, soil testing and marketing studies;

h. Advertisement of replacement location;

i. Professional services in connection with the purchase or lease of a replacement site;

j. Estimated increased costs of operation during the first two years at the replacement site for such items as:

(1) Lease or rental charges;

(2) Personal or real property taxes;

(3) Insurance premiums;

(4) Utility charges, excluding impact fees.

k. Impact fees or one-time assessments for anticipated heavy usage;

l. Other items essential to the reestablishment of the business.

For purposes of this Section the term “small business” shall mean a business having not more than 500 employees working at the site being acquired or displaced by a

program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of this Section.

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(1) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures;

(2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation;

(3) Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in paragraph (e) above in this Section;

(4) Interest on money borrowed to make the move or purchase the replacement property;

(5) Payment to a part-time business in the home which does not contribute materially to the household income.

C. [§ 706] Alternate Payments

1. [§ 707] Determination of Payments

a. [§ 708] Amount of Payment

A displaced business which moves or discontinues, and which meets the eligibility requirements of Section 710, may elect to receive and shall be paid, in lieu of the payments for which it is otherwise entitled under Section 702, a payment equal to the average annual net earnings of the business, except that such payment shall not be less

than $1,000 nor more than $20,000. Said dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities. A person whose sole business at a displacement dwelling is the rental of the property to others shall not qualify for a payment under this Section. In regard to an outdoor advertising display, payment pursuant to this Section shall be limited to the amount necessary to physically move or replace that display.

b. [§ 709] Determination of Number of Businesses

In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors, among others, shall be considered:

(1) The extent to which the same premises and equipment are shared;

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business;

(4) The extent to which the same person or closely related persons own, control, or manage the affairs of the entities.

2. [§ 710] Eligibility

a. [§ 711] Business (Other than Nonprofit Organization)

A displaced business (except a nonprofit organization) is eligible for the payment provided for in Section 708 only if the Agency determines that:

(1) The business is not operated solely for rental purposes and

cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, the relative importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site;

(2) The business is not part of a commercial enterprise having at least one other establishment not being acquired, engaged in the same or similar business. Whenever the sole remaining facility of a business which has been displaced from its principal location:

(a) Has been in operation for less than two years; or

(b) Has had average annual gross receipts of less than $2,000 during the two taxable years prior to the displacement of the major component of the business; or

(c) Has had annual net earnings of less than $1,000 during the two taxable years prior to the displacement of the major component of the business;

the remaining facility will not be considered another “establishment” for the purposes of this Section;

(3) The displaced business:

(a) Had average annual gross receipts of at least $5,000 during the two taxable years prior to displacement; or

(b) Had average annual net earnings of at least $1,000 during the two taxable years prior to displacement; or

(c) Contributed at least 33-1/3 percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement; or

(d) If the application of (a), (b) and (c) above creates an inequity or hardship, the Agency may use other criteria as permitted in Section 24.306 of Part 24 of Title 49 of the Code of Federal Regulations.

In any case where the Agency determines that the two year period prior to displacement is not representative of the average receipts, earnings, or income, it may make use of a more representative period.

b. [§ 712] Nonprofit Organization

In the case of a nonprofit organization, no payment shall be made under Section 708 unless the Agency determines that:

(1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term “patronage” as used herein includes the membership, persons, community, or clientele served or affected by the

activities of the nonprofit organization); and

(2) The nonprofit organization is not a part of an enterprise having at least one other establishment not being acquired, engaged in the same or similar activity.

## VIII. [§ 800] RELOCATION ASSISTANCE AND PAYMENTS TO CERTAIN OTHERS

### A. [§ 801] Displaced Farm Operations

#### 1. [§ 802] Requirement Generally

The Agency shall provide relocation advisory assistance and make relocation payments to a displaced farm operation in accordance with the provisions of these Rules and Regulations pertaining to displaced businesses, including small businesses.

#### 2. [§ 803] Eligibility for Alternate Payment

No payment of the type provided for in Section 708 shall be made to a displaced farm operation unless the Agency determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if:

a. The part taken met the definition of a farm operation prior to the taking; and

b. The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

#### 3. [§ 803.5] Continuation of Lease for Farming

No provision of these Rules and Regulations shall be construed to require the Agency to provide any relocation assistance to a lessee if the property acquired for a program or project is subject to a lease for purposes of

conducting farm operations and the Agency agrees to assume all of the terms of that lease.

### B. [§ 804] Displacement for Code Enforcement, Rehabilitation or Demolition by the Agency

#### 1. [§ 805] Authorization for Assistance and Payment

The Agency may make payments in the amounts it deems appropriate, and may provide advisory assistance under these Rules and Regulations, to a person who moves from a dwelling, or who moves or discontinues his business, as a result of impending rehabilitation or demolition of a residential or commercial structure, or enforcement of building, housing, or health codes by the Agency, or because of systematic enforcement pursuant to Section 37924.5 of the Health and Safety Code, or who moves from a dwelling or who moves or discontinues a business as a result of a rehabilitation or demolition program or enforcement of building codes by the Agency, or because of increased rents to result from such rehabilitation or code enforcement. Payments prescribed by Section 615 of these Rules and Regulations may also be made to persons who remain in a dwelling during rehabilitation. Payments authorized by this Section and made pursuant to Section 615 hereof may, at the option of the Agency, be computed and reviewed annually based on actual rental increases, and may be paid monthly or annually. The Agency may also give priority to a person who moves from a dwelling, or who remains in a dwelling during rehabilitation, in utilization of local, state, or federal rental assistance programs, either to enable the person to pay increased rents or to move to other suitable housing.

In assisting the financing of rehabilitation, the Agency may provide some or all of the payments authorized by this Section as part of the loan for rehabilitation costs, provided that the Agency makes payments directly to the person who moves or who remains in the dwelling during rehabilitation.

### 2. [§ 806] Rent Increase Resulting from Rehabilitation

The Agency shall make payments in the amounts prescribed by these Rules and Regulation, and shall provide advisory assistance under these Rules and Regulations to persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, whose rent, within one year after the rehabilitation of their dwelling is completed, is increased to an amount exceeding 25 percent of their gross income, or who move from their dwelling, as the result of a rehabilitation program in which the rehabilitation work is wholly or partially financed or assisted with public funds provided by or through the Agency.

### 3. [§ 807] Temporary Housing for Persons Displaced by Rehabilitation

The Agency shall provide temporary housing for up to 90 days to persons displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the Agency.

### 4. [§ 808] Option to Relocate in Rehabilitated Dwelling

A person displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the Agency shall, as a condition of the financing or assistance, be given the option of relocating, after rehabilitation, in the dwelling from which the person was displaced.

### 5. [§ 809] Amount of Payment

The Agency may limit the amounts of payments under Section 806, otherwise calculated pursuant to Section 615, to the lesser of: (i) the difference between the increased rent and 25 percent of gross income; or (ii) the difference between the increased rent and the rent immediately before the rehabilitation which was greater than 25 percent of gross income.

6. [§ 810] Obligation Conditional Upon Availability of Federal or State Funds

The payments and advisory assistance as required in Section 804 shall be mandatory only if federal or state funds are available. However, nothing shall preclude the Agency from using local funds.

C. [§ 811] Temporary Displacement for Rehabilitation of Affordable Apartments

Notwithstanding Section 804 or any other provision of law, tenants residing in any rental project who are displaced from the project for a period of one year or less as part of a rehabilitation of that project, that is funded in whole or in part by the Agency, shall not be eligible for permanent housing assistance benefits pursuant to Sections 614 and 518 if all of the following criteria are satisfied:

1. The project is a "qualified affordable housing preservation project," which means any complex of two or more units whose owners enter into a recorded regulatory agreement, having a term for the useful life of the project, with the Agency for the provision of project rehabilitation financing. For this purpose, the regulatory agreement shall require of the owner and all successors and assigns of the owner, as long as the regulatory agreement is in effect, that at least 49 percent of the tenants in the project have, at the time of the recordation of the regulatory agreement, incomes not in excess of 60 percent of the area median income, adjusted by household size, as determined by the appropriate agency of the state. In addition, a project is a qualified affordable housing preservation project only if the beneficiary of the regulatory agreement elects this designation by so indicating on the regulatory agreement.

2. The resident is offered the right to return to his or her original unit, or a comparable

unit in the same complex if his or her original unit is not otherwise available due to the rehabilitation, with rent for the first 12 months subsequent to that return being the lower of the following: up to 5 percent higher than the rent at the time of displacement; or up to 30 percent of household income.

3. The estimated time of displacement is reasonable, and the temporary unit is not unreasonably impacted by the effects of the construction, taking into consideration the ages and physical conditions of the members of the displaced household.

4. All other financial benefits and services otherwise required under these Rules and Regulations are provided to the residents temporarily displaced from their units, including relocation to a comparable replacement unit. Residents shall be temporarily relocated to a unit within the same complex, or to a unit located reasonably near the complex if that unit is in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, services, and the displaced person's place of employment.

D. [§ 812] Hardship Moves

The Agency may make all or part of the payments prescribed in these Rules and Regulations, and may provide advisory assistance under these Rules and Regulations, to a person who moves from a dwelling, or who moves or discontinues his business, as a result of the pending acquisition by the Agency of the real property from which he moves, but who is not otherwise a displaced person hereunder, as necessary to alleviate hardship to such person.

## IX. [§ 900] ADDITIONAL PAYMENT FOR PROPERTY AFFECTED BY AIRPORT

### A. [§ 901] Payment Required

In addition to the payments required by Section 600, 700 and 800 of these Rules and Regulations, as a cost of acquisition, the Agency shall make a payment to any affected property owner meeting the eligibility requirements of Section 902, a payment (not to exceed $22,500) which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the Agency for airport purposes of other real property and a change in the use of the property. Payment under this Section 901 shall be limited only to such circumstances in which the decline in fair market value of the affected property is reasonably related to objective physical change in the use of the acquired property for airport purposes.

### B. [§ 902] Eligibility

An affected property owner is eligible for a payment pursuant to Section 901 if:

1. The affected property is immediately contiguous to property acquired for airport purposes; and

2. The owner shall have owned the property affected by acquisition by the Agency not less than 180 days prior to the initiation of negotiations for acquisition of the acquired property.

## X. [§ 1000] CLAIM AND PAYMENT PROCEDURES

### A. [§ 1001] Filing of Claims

All claims for relocation assistance and payments filed with the Agency shall be submitted within 18 months of the date on which the claimant receives final payment for the property or the date on which he moves, whichever is later. The Agency may extend this period upon a proper showing of good cause.

## B. [§ 1002] Documentation in Support of Claim

### 1. [§ 1003] Moving Expenses

#### a. [§ 1004] Evidence of Moving Expenses

Except in the case of a displaced resident or displaced business moving himself, a claim for payment of actual reasonable moving expenses shall be supported by a bill or other evidence of expenses incurred.

Each claim in excess of $1,500 for the costs incurred by a displaced business in moving the business operation shall be supported by competitive bids in such number as are practical. If the Agency determines that compliance with the bid requirement is impractical, or if estimates in an amount less than $1,500 are obtained, a claim may be supported by estimates in lieu of bids.

#### b. [§ 1005] Self Moves

Without documentation of moving expenses actually incurred a displaced resident or displaced business electing to self move may submit a claim for his moving expenses to the Agency in an amount not to exceed the estimated cost of moving commercially. The estimated cost of moving commercially shall be based on the lowest responsible bid or estimate from three reputable moving firms submitted by the claimant to the Agency prior to the move. The estimated cost of moving commercially shall include the cost, if any, of obtaining bids or estimates.

#### c. [§ 1006] Exemption from Public Utilities Commission Regulations

Whenever the Agency must pay the actual cost of moving a displaced person the costs of such move shall be exempt from regulation by the Public Utilities Commission. The Agency may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

2. [§ 1007] Loss of Property

A claim by a displaced business for payment for the actual direct loss of tangible personal property pursuant to Section 704 shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim or the Agency may agree as to the value of the property left in place.

3. [§ 1008] Proof of Earnings

If a displaced business elects to receive an alternate payment pursuant to Section 706 of these Rules and Regulations, to be eligible for the payment the business shall make available its state income tax records, financial statements, and accounting records, for confidential use pursuant to an audit to determine the payment.

C. [§ 1009] Payment of Moving Expenses

1. [§ 1010] Advance Payment

An eligible displaced resident or displaced business may be paid for his anticipated moving expenses in advance of the actual move. The Agency shall provide advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income residents and small business operations.

2. [§ 1011] Direct Payment

By prearrangement between the Agency, the displaced resident or displaced business, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

3. [§ 1012] Methods Not Exclusive

The specific provisions of these Rules and Regulations are not intended to preclude the Agency's reliance upon other reasonable means of effecting a move, including

contracting moves and arranging for assignment of moving expense payments by displaced persons.

### D. [§ 1013] Payments for Replacement Dwellings

#### 1. [§ 1014] Payment for Purchase of Comparable Replacement Dwelling

##### a. [§ 1015] Disbursement

When the Agency has determined the amount of the payment for purchase of a comparable replacement dwelling to which the displaced resident is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made to the displaced resident.

##### b. [§ 1016] Provisional Payment Pending Condemnation

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the Agency may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the Agency's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded by the homeowner to the Agency. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

##### c. [§ 1017] Certificate of Eligibility

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment, the Agency shall certify to any interested party, financial institution or lending agency, that the displaced homeowner or tenant will be eligible for the

payment of a specific sum if he purchases and occupies a dwelling within the time limits prescribed.

2. [§ 1018] Rent Differential Payments

When the Agency has determined the amount of the rent differential payment to which the displaced resident is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made to the displaced resident. Payments up to the maximum of $5,250 shall be made in a lump sum. Should the Agency pay pursuant to Section 519 an amount exceeding the maximum amount, any payments over $5,250 shall be made over a period of time as provided in Section 519a.

E. [§ 1019] Assistance and Payments to Persons Moving without Notice

If the Agency fails to inform any eligible displaced person of the relocation payments and assistance that may be made available by the Agency in a timely and effective manner, the Agency shall make every reasonable effort to identify and locate such person who has moved. Eligible displaced persons who move without offers of assistance and benefits, after the Agency was required to offer assistance and benefits, shall be provided all such assistance and payments for which they otherwise qualify. When appropriate, the Agency shall also compensate such persons for additional costs incurred as a result of the Agency's failure to provide timely notice and offers of relocation assistance and benefits.

F. [§ 1020] Termination of Relocation Assistance

The Agency's relocation obligations cease under the following circumstances:

1. A displaced resident moves to a comparable replacement dwelling and receives all assistance and payments to which he is entitled;

2. The displaced resident moves to substandard housing, refuses reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling and

receives all payments to which he is entitled;

3. All reasonable efforts to trace a person have failed;

4. The business concern has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations;

5. A person displaced from his dwelling or business refuses reasonable offers of assistance, payments and comparable replacement dwellings.

## XI. [§ 1100] GRIEVANCE PROCEDURES

### A. [§ 1101] Right of Review

Any person who believes himself aggrieved by a determination as to eligibility, the amount of payment, the failure of the Agency to provide comparable permanent or adequate temporary replacement housing or the Agency's property management practices may, at his election, have his claim reviewed and reconsidered by the Agency or an authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in Section 1100.

### B. [§ 1102] Notification of Decision

If the Agency denies or refuses to consider a claim, the Agency's notification to the claimant of its determination shall inform the claimant of its reasons and the applicable procedures for obtaining review of the decision. If necessary to provide the information in the language most easily understood by the recipient, such notification shall be printed in a language other than English.

C. [§ 1103] Stages of Review

1. [§ 1104] Request for Further Written Information

A complainant may request the Agency to provide him with a full written explanation of its determination and the basis therefor, if he feels that the explanation accompanying the payment of the claim or notice of the Agency's determination was incorrect or inadequate.

The Agency shall provide such an explanation to the complainant within three weeks of its receipt of his request.

2. [§ 1105] Informal Oral Presentation

A complainant may request an informal oral presentation before seeking formal review and reconsideration. The right to formal review and reconsideration shall not be conditioned upon requesting an informal oral presentation.

Within fifteen days of the request the Agency shall afford the complainant the opportunity to make such presentation.

The complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the complainant to discuss the claim with the Executive Director of the Agency or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The Agency shall make a summary of the matters discussed in the oral presentation to be included as part of its file.

3. [§ 1106] Formal Review and Reconsideration

a. [§ 1107] Request for Review

At any time within the period described in Section 1115, a complainant may file a written request for formal review and reconsideration by the Relocation Appeals Board. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather

and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the complainant may be granted additional time.

The Relocation Appeals Board shall consider every aggrieved person's complaint regardless of form, and shall, if necessary, provide assistance in preparing the written request for review.

b. [§ 1108] Notice of Procedures

When a complainant seeks review, the Relocation Appeals Board shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.

c. [§ 1109] Review by Relocation Appeals Board

The Relocation Appeals Board shall promptly hear all complaints brought by aggrieved persons of a redevelopment project area relating to relocation and shall determine if the Agency has complied with the provisions of Chapter 4 of the California Community Redevelopment Law pertaining to relocation, the Relocation Assistance Law and Guidelines, these Rules and Regulations and where applicable, with federal law and regulations.

The Relocation Appeals Board shall, after public hearing, transmit its findings and recommendations to the Agency Board, including any recommendations for modification of the Agency's initial determination.

d. [§ 1110] Scope of Review

The Relocation Appeals Board shall review and consider the initial determination of the Agency in the complainant's case in light of:

(1) All material upon which the Agency based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon

where a complainant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness;

(2) The reasons given by the complainant for requesting review and reconsideration of the claim;

(3) Any additional written or relevant documentary material submitted by the complainant;

(4) Any further information which the Relocation Appeals Board in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

e. [§ 1111] Findings and Recommendations by Relocation Appeals Board

The findings and recommendations on review by the Relocation Appeals Board shall include:

(1) The determination of the Relocation Appeals Board whether the Agency has complied with State law and where applicable with federal law, pertaining to the relocation;

(2) The recommendations of the Relocation Appeals Board, including any recommendations for modification of the Agency's initial determination;

(3) The factual and legal basis upon which the findings and recommendations rest, including any pertinent explanation or rational;

(4) A statement to the complainant that the findings and

recommendations of the Relocation Appeals Board will be transmitted to the Agency Board for final administrative decision with respect to the claim.

The findings and recommendations of the Relocation Appeals Board shall be in writing and copies thereof shall be provided to the complainant and transmitted to the Agency Board.

The Relocation Appeals Board shall issue findings and recommendations as soon as possible, but no later than three weeks from receipt of the last material submitted for consideration by the complainant or the date of the hearing, whichever is later. In the case of complaints recommended for dismissal for untimeliness or for any other reason not based on the merits of the claim, the time limit for issuing the findings and recommendations shall be reduced to 10 days.

f. [§ 1112] Final Determination by Agency Board

(1) [§ 1113] Scope of Review

After receipt of the written findings and recommendations of the Relocation Appeals Board, the Agency Board shall review and reconsider the initial determination of the Agency on the claim. The Agency Board may, but is not required to, conduct a hearing de novo with respect to the claim, as it deems necessary. The complainant shall be given at least ten (10) days written notice prior to the matter being heard.

The Agency Board shall base its final decision on the claim upon the record compiled in connection with the proceedings of the Relocation Appeals Board, and upon the record of the hearing (if any) held by the Agency Board.

(2) [§ 1114] Final Determination

The final determination on review by the Agency Board shall include, but is not limited to:

(a) The Agency Board's decision on reconsideration of the claim;

(b) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale;

(c) A statement to the complainant that administrative remedies have been exhausted, if such be the case, and that judicial review may be sought.

The final determination of the Agency Board shall be in writing and a copy thereof shall be provided to the complainant.

The Agency Board shall issue its determination as soon as possible, but no later than three weeks from receipt by the Agency Board of the written findings and recommendations of the Relocation Appeals Board. In the case of complaints dismissed for untimeliness or for any reason not based on the merits of the claim, the time limit for issuing such determination shall be reduced to 10 days.

D. [§ 1115] Time Limit for Requesting Review

Any request for review under Section 1105 and/or Section 1106 shall be filed in writing with the specified reviewing authority within 30 days following the date the complainant receives notice of the decision being appealed. Such time limit may be extended for good cause by the Agency.

E. [§ 1116] Stay of Displacement Pending Final Determination

If a complainant seeks to prevent displacement, the Agency shall not require the complainant to move until at least 20 days after the Agency has made its final determination. In all cases the Agency shall notify the complainant in writing at least 20 days prior to the proposed new date of displacement.

Any complaint seeking to prevent displacement must be brought within 30 days of service by the Agency of the notice to vacate provided for by Section 1302 of these Rules and Regulations. Such notice to vacate must include notice that any complaint seeking to prevent displacement must be filed within 30 days.

F. [§ 1117] Joint Complainants

Where more than one person is aggrieved by the failure of the Agency to refer them to comparable permanent or adequate temporary replacement housing the complainants may join in filing a single written request for review. A determination shall be made as herein provided for each of the complainants.

G. [§ 1118] Right to Counsel

Any aggrieved party has a right to representation by legal or other counsel at his expense at any and all stages of the proceedings set forth in Section 1100.

H. [§ 1119] Review of Files by Claimant

Except to the extent that confidentiality of material is protected by law or its disclosure is prohibited by law, the Agency shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of the claimant's grievance. The Agency may impose reasonable conditions on such right to inspect. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

I. [§ 1120] Recommendations by Third Party

Upon agreement between the claimant and the Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Agency for its final determination. In reviewing the claim and making recommendations to the Agency, the third party or parties shall be guided by Section 1100 of these Rules and Regulations.

J. [§ 1121] Effect of Determination on Other Persons

The principles established in all determinations by the Agency shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

K. [§ 1122] Judicial Review

Nothing in these Rules and Regulations shall in any way preclude or limit a claimant from seeking judicial review of his claim upon exhaustion of such administrative remedies as are available under Section 1100.

XII. [§ 1200] ACQUISITION PRACTICES

A. [§ 1201] Acquisition of Property by Negotiation

The Agency shall make every reasonable effort to acquire property by negotiation and to do so expeditiously. In order to do so the Agency shall, to the greatest extent practicable, be guided in its property acquisition practices by the provisions of Section 1200. Provided however, that the provisions of Sections 1202, 1203, 1206 and 1208 shall not apply to the acquisition of any easement, right-of-way, covenant, or other non-possessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair, or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks, or storm water drains.

B. [§ 1202] Appraisal of Property

Before negotiations are initiated to acquire property, the Agency shall have the property appraised, giving the owner or the owner's designated representative an opportunity, by reasonable advance written notice, to accompany the appraiser during the inspection of the property. However, the Agency may obtain from the owner a waiver of the requirement to have the property appraised in cases involving the acquisition by sale, or donation of property with a low fair market value.

C. [§ 1203] Notice of Decision to Appraise

1. [§ 1204] Contents of Notice

The Agency shall provide the owner with written notice of its decision to appraise the real property as soon as possible after the decision to appraise has been reached. The notice shall state, as a minimum, that:

a. A specific area is being considered for a particular public use;

b. The owner's property is located within the area;

c. The status of the Agency's decision on whether or not to acquire the property, including a statement that no determination has been made by the Agency to acquire the property, if such be the case;

d. A statement that the owner or the owner's representative (designated in writing) shall be given the opportunity to accompany each appraiser during his inspection of the property.

2. [§ 1205] Information Statement: Property Acquisition Procedures

At the time the Agency notifies an owner of its decision to appraise real property it shall furnish the owner with a written explanation of its land acquisition procedures, describing in nontechnical, understandable terms the Agency's acquisition procedures and the principal rights and options available to the owner. Such statement shall inform the owner of the property that if the Agency decides to acquire the subject property certain prescribed land acquisition procedures will be followed and the statement shall include the following explanations:

a. A description of the basic objective of the Agency's land acquisition program and a reference to the availability of the Agency's statement covering

relocation benefits for which an owner occupant may be eligible;

b. A statement that if the acquisition of any part of the real property would leave the owner with an uneconomic remnant, the Agency will offer to acquire the uneconomic remnant, if the owner so desires;

c. A statement that, if the owner of real property is also the owner of a business conducted on the real property to be acquired, or on the remainder, he has a possible right to compensation for loss of goodwill. The Agency shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, Sections 1263.510 et seq.);

d. A statement that if the owner is not satisfied with the Agency's offer of just compensation he will be given a reasonable opportunity to present relevant material, which the Agency will carefully consider, and that if a voluntary agreement cannot be reached the Agency, as soon as possible, will either institute a formal condemnation proceeding against the property or abandon its intention to acquire the property, giving notice of its intention not to acquire;

e. A statement that construction or development of a project shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a comparable replacement dwelling will be available) or to move his business without at least 90 days written notice from the Agency of the date by which the move is required;

f. A statement that, if arrangements are made to rent the property to an owner or his tenant for a short term or for a period subject to termination by the Agency on short notice, the rental will not exceed the lesser of the fair rental value of the property to a short term occupier or the pro rata portion of the fair market value for a typical rental period. If the owner or tenant is an occupant of a dwelling, the rental for the dwelling shall be within his financial means.

## D. [§ 1206] Establishment of Just Compensation

### 1. [§ 1206.1] Generally

Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the Agency shall establish an amount which it believes to be just compensation for the property, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the Agency's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. In no event shall the amount be less than the Agency's approved appraisal of the fair market value of the property.

The determination of just compensation shall be based upon consideration of:

a. The real property being acquired; and

b. Where the real property acquired is part of a larger parcel, the injury or benefit, if any, to the remainder.

Any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the project for which such property is acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical

deterioration within the reasonable control of the owner or occupant, will be disregarded in determining the compensation for the property.

2. [§ 1206.2] Exception for Property Offered by Owner

Notwithstanding Section 1206.1, the Agency may make an offer to the owner or owners of record to acquire real property for less than an amount which it believes to be just compensation therefor if (a) the real property is offered for sale by the owner at a specified price less than the amount the Agency believes to be just compensation therefor, (b) the Agency offers a price which is equal to the specified price for which the property is being offered by the landowner, and (c) no federal funds are involved in the acquisition, construction, or project development.

As used in Section 1206.2, "offered for sale" means any of the following:

a. Directly offered by the landowner to the Agency for a specified price in advance of negotiations by the Agency.

b. Offered for sale to the general public at an advertised or published, specified price set no more than six months prior to and still available at the time the Agency initiates contact with the landowner regarding the Agency's possible acquisition of the property.

3. [§ 1206.3] Exception for Property or Compensation Donated by Owner

A person whose real property is being acquired in accordance with the Relocation Assistance Law and these Rules and Regulations may, after the person has been fully informed of his or her right to receive just compensation for the property, donate the property, any part thereof or any interest therein to the Agency, and/or any compensation paid therefor to the Agency or another public entity determined by the person.

E. [§ 1207] Uneconomic Remnant

Whenever a part of a parcel of property is to be acquired by the Agency for a public use and the remainder, or a portion of the remainder, will be left in such a shape or condition as to constitute an uneconomic remnant, the Agency shall offer to acquire the entire property if the owner so desires. An uneconomic remnant is a parcel of real property in which the owner retains an interest after partial acquisition of his property and which has little or no utility or value to such owner.

F. [§ 1207.5] Nonprofit, Special Use Property

Prior to the initiation of negotiations for acquisition by the Agency of nonprofit, special use property, the Agency shall make every reasonable effort to seek alternative property which is other than nonprofit, special use property. However, this requirement shall not apply to properties acquired by the Agency for transportation purposes, including but not limited to, the construction, expansion, or improvement of streets, highways, or railways.

This Section does not apply to actions or proceedings commenced by the Agency to acquire real property or any interest in real property for the use of water, sewer, electricity, telephone, natural gas, or flood control facilities or rights-of-way where those acquisitions neither require removal or destruction of existing improvements, nor render the property unfit for the owner's present or proposed use.

“Nonprofit, special use property” means property which is operated for a special nonprofit, tax-exempt use such as a school, church, cemetery, hospital, or similar property (but not property owned by a public entity), or as Section 1235.155 of the Code of Civil Procedure may be amended.

G. [§ 1208] Initiation of Negotiations

1. [§ 1209] Written Offer

The Agency shall make its first written offer to acquire the property as soon as practicable following service of the Notice of Decision to Appraise. Such offer shall be made as soon as possible after the amount of just

compensation is established, and for the full amount so established.

2. [§ 1210] Statement of the Basis of Just Compensation

At the time the Agency makes its offer to acquire the property it shall provide the owner with a written statement of the basis for determination of just compensation. The statement shall include the following:

a. A general statement of the public use for which the property is to be acquired;

b. A description of the location and extent of the property to be taken, with sufficient detail for reasonable identification, and the interest to be acquired;

c. An inventory identifying the buildings, structures, fixtures, and other improvements;

d. A recital of the amount of the offer and a statement that such amount:

(1) Is the full amount believed by the Agency to be just compensation for the property taken;

(2) Is not less than the approved appraisal of the fair market value of the property;

(3) Disregards any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the

reasonable control of the owner or occupant;

(4) Does not reflect any consideration of or allowance for any relocation assistance and payments or other benefits which the owner is entitled to receive under an agreement with the Agency;

(5) Does not reflect any consideration for loss of goodwill for which the owner may claim payment under procedures set forth in these Rules and Regulations. The Agency shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, Section 1263.510 et seq.) and these Rules and Regulations (Section 1212).

e. A statement that, if the real property to be acquired is owner occupied residential property and contains no more than four residential units, the homeowner shall, upon request to the Agency, be allowed to review a copy of the appraisal upon which the offer is based.

f. If the real property is a portion of a larger parcel, the statement shall include an apportionment of the total estimated just compensation for the partial acquisition between the value of the property being taken and the amount of damage, if any, to the remainder of the larger parcel from which such property is taken.

H. [§ 1211] Tenant Property Interests; Notice Re: Loss of Goodwill

Nothing in Section 1200 shall be construed to deprive a tenant of the right to obtain payment for his property interest as otherwise provided by law.

As soon as practicable after the initiation of negotiations the Agency shall provide written notification to the owner of a business conducted on the real property to be acquired or on the remainder, who is not also the owner of the real property, concerning his possible right to compensation for loss of goodwill. The Agency shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, Section 1263.510, et seq.) and these Rules and Regulations (Section 1212).

I. [§ 1212] Compensation for Loss of Goodwill

Notwithstanding any other provisions of Section 1200 to the contrary, the procedure for determining and offering compensation for loss of goodwill in connection with the Agency's acquisition of any property shall be governed by this Section 1212.

1. [§ 1213] Compensation Generally

With respect to the owner of a business conducted on property acquired by the Agency, or on the remainder if such property is part of a larger parcel, the amount of just compensation to be paid by the Agency may include consideration of loss of goodwill, to the extent required by law and these Rules and Regulations.

Within the meaning of Section 1212, “goodwill” consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

In order to be entitled to compensation on loss of goodwill such owner of a business shall first have proved all of the following:

a. The loss is caused by the acquisition of the property or the injury to the remainder;

b. The loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would

take and adopt in preserving the goodwill;

c. Compensation for the loss will not be included in payments under Section 700 of these Rules and Regulations;

d. Compensation for the loss will not be duplicated in the compensation otherwise paid to the owner.

2. [§ 1214] Notice of Intent to Claim Loss of Goodwill

Prior to a business completing its relocation from property acquired by the Agency, or prior to the date such business discontinues, the owner of such business may notify the Agency that he intends to attempt to make the proofs provided for in Section 1213.

3. [§ 1215] Conference to Discuss Eligibility to Receive Compensation for Loss of Goodwill

Upon receipt of the notice required by Section 1214, a committee appointed by the Executive Director of the Agency or his designee, shall confer with the claimant regarding the issues set forth in Section 1213. Based upon review and consideration of information presented at said conference, the committee will make a recommendation to the Agency as to whether or not a goodwill appraisal should be made.

The recommendation of the committee shall be communicated to the Agency; if the Agency concurs in the committee's recommendation, the Agency shall authorize a goodwill appraisal; provided, however, that the Agency's determination to authorize a goodwill appraisal shall be for purposes of negotiation and shall not be binding upon the Agency in any eminent domain proceeding. In the event that the Agency authorizes an appraisal of goodwill, if any, notice of this decision shall be given to the business owner/claimant.

4. [§ 1216] Business Records; Authorization to Negotiate

The owner of the business shall provide to the Agency such business records as the Agency may require, including but not limited to state income tax returns, financial statements and accounting records, for confidential use for the purpose of appraising the loss of goodwill of the business. The Agency shall thereafter authorize negotiations with the business owner/claimant regarding the claim for loss of goodwill. Offers made by the Agency to settle claims for lost goodwill shall be not less than the amount of the Agency's approved appraisal of the loss of goodwill of the business.

5. [§ 1217] Calculation of Net Amount of Just Compensation for Loss of Goodwill for Negotiation Purposes

The Agency shall calculate the amount it believes to be the net amount of just compensation for loss of goodwill to which the business is entitled, considering:

a. The amount the Agency believes for negotiating purposes to be the total amount of loss of goodwill of the business; and

b. Any compensation for loss of goodwill the Agency determines is included in payments made or to be made under Section 700 of these Rules and Regulations.

6. [§ 1218] Notice to Owner; Written Offer

As soon as possible after the net amount of just compensation (if any) for loss of goodwill has been calculated, the Agency shall make its written offer to the business owner/claimant to compensate the claimant in such amount.

7. [§ 1219] Eminent Domain

Notwithstanding any other provision of Section 1212 to the contrary, in the event an eminent domain proceeding is brought by the Agency to acquire any property, the owner of any business thereon shall seek compensation for loss of goodwill in connection with such proceeding, and the

failure to do so shall constitute a waiver of compensation for loss of goodwill.

J. [§ 1220] Negotiations; Eminent Domain

Prior to the commencement of an eminent domain proceeding to acquire real property:

1. The Agency shall make reasonable efforts to discuss with the owner its offer to purchase the owner's real property;

2. The owner shall be given reasonable opportunity to present material which he believes to be relevant as to the question of value and to suggest modification in the proposed terms and conditions of the purchase, and the Agency shall carefully consider the owner's presentation;

3. If the evidence presented by an owner or a material change in the character or condition of the property indicates the need for a new appraisal or if a significant delay has occurred since the determination of just compensation, the Agency shall have its appraisal updated;

4. If a modification in the Agency's determination of just compensation is warranted, an appropriate price adjustment shall be made and the new amount determined to be just compensation shall be promptly offered in writing to the owner.

In no event shall the Agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive or misleading in nature, in order to compel or induce an agreement on the price to be paid for the property.

If any interest in property is to be acquired by exercise of the power of eminent domain, the Agency shall promptly institute formal condemnation proceedings. The Agency shall not intentionally make it necessary for an

owner to institute legal proceedings to prove the fact of the taking of his property.

K. [§ 1221] Notice of Decision Not to Acquire

Whenever the Agency has forwarded a Notice of Intent to Displace, or a Notice of Decision to Appraise, or has made a firm offer and subsequently the Agency decides not to acquire the property, the Agency shall serve a notice in writing on the owner, all persons occupying the property and all other persons potentially eligible for relocation payments and assistance. The notice shall state that the Agency has decided not to acquire the property. It shall be served not later than 10 days following the date of the Agency decision not to acquire. Upon receipt of such notice any person shall be deemed not to be a displaced person.

L. [§ 1222] Incidental Expenses

If the real property is acquired by purchase, the Agency shall reimburse the owner, for all reasonable expenses the owner necessarily incurred incidental to the conveyance of such property to the Agency. Among the expenses requiring payment are the following:

1. Recording fees, transfer taxes and similar expenses incidental to conveying the real property;

2. The pro rata portion of charges for public service, such as water, sewage, and trash collection which are allocable to the period subsequent to the date of transfer of title to the Agency, or the effective date of possession of such property by the Agency, whichever is earlier.

The Agency shall inform the owner that he may apply for a rebate of the pro rata portion of any real property taxes paid, which are allocable to the period subsequent to the date of transfer of the property to the Agency.

M. [§ 1223] Purchase Price as Public Information

The purchase price and other consideration paid by the Agency for real property is public information and shall be made available upon request.

N. [§ 1224] Service of Notice

Service of all notices required by Section 1200 shall be made either by first class mail or by personal service upon the person notified.

XIII. [§ 1300] PROPERTY MANAGEMENT PRACTICES

A. [§ 1301] Short Term Rental

If the Agency permits an owner or tenant to occupy the acquired real property on a rental basis for a short term or for a period subject to termination by the Agency on short notice, the amount of rent required shall not exceed the lesser of the fair rental value to a short term occupier or a pro rata portion of the fair rental value for a typical rental period. If the owner or tenant is an occupant of a dwelling, the rental for the dwelling shall be within his financial means.

B. [§ 1302] Notice to Vacate

The construction or development of a project shall be so scheduled that, to the greatest extent practicable, no eligible person occupying real property shall be required to move from a dwelling, or to move his business, without at least 90 days' written notice from the Agency of the date by which such move is required. The Agency shall notify each individual tenant to be displaced as well as each owner-occupant.

C. [§ 1303] Eviction

Eviction may be undertaken for one or more of the following reasons:

1. Failure to pay rent, excepting those cases where the failure to pay is due to the Agency's failure to keep the dwelling in habitable condition, is the result of harassment or retaliatory action or is the

result of discontinuation or substantial interruption of services;

2. Remaining in possession after expiration or termination of the term;

3. Performance of a dangerous or illegal act on the property;

4. Material breach of the rental agreement and failure to correct such breach within 30 days of notice;

5. Maintenance of a nuisance and failure to abate within a reasonable time following notice;

6. Refusal to accept one of a reasonable number of offers of replacement dwellings;

7. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the Agency.

Eviction pursuant to this Section shall not affect a tenant's right to relocation benefits where the tenant is otherwise entitled to such benefits.

D. [§ 1304] Status of Post-Acquisition Tenants

1. [§ 1305] Notice of Status

The Agency shall inform post-acquisition tenants regarding the projected date of displacement and, periodically, should inform post-acquisition tenants of any changes in this projection.

2. [§ 1306] Notice to Vacate

A post-acquisition tenant who occupies acquired real property on a rental basis for a short term and who is informed that the property has been acquired for a public use shall be given at least 30 days' written notice of termination of the tenancy.

### 3. [§ 1307] Eligibility for Relocation Assistance and Payments

Post-acquisition tenants are not eligible for relocation assistance and payments other than advisory assistance to the extent determined by the Agency.

### 4. [§ 1308] Hardship Cases

When the displacement of a post-acquisition tenant causes a hardship for that person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstance, the Agency shall provide relocation advisory assistance and, may in its discretion, provide other financial relocation benefits. Only at the discretion of the Agency would post-acquisition tenants be provided last resort housing payments.

### 5. [§ 1309] Move from Permanent Housing

Where the Agency, on property it owns, is making housing available on a permanent basis, a post-acquisition tenant who moves as a result of a written order from the Agency to vacate is eligible for relocation assistance and payments if the order to vacate is related to a plan to demolish, or rehabilitate or change the use of such dwelling units.

## E. [§ 1310] Service of Notice

Service of all notices required by Section 1300 shall be made either by first class mail or by personal service upon the person to be notified.